

The investigation of 3 complaints against Cardiff Council

A report by the
Public Services Ombudsman for Wales
Case: 202005937 / 202100061 / 202100409

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Introduction

This report is issued under s.23 of the Public Services Ombudsman (Wales) Act 2019.

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainants as Mrs D, Mrs F and Miss P.

Summary

Mrs D, Mrs F and Miss P (“the complainants”) all complained that Cardiff Council’s “Assisted Lift” waste collection service had failed to meet their needs (or in Miss P’s case, her mother’s needs) as vulnerable residents on a consistent basis. They also complained that the Council had failed to respond adequately to their reports and complaints about problems with the Assisted Lift service.

The Council had committed to provide the Assisted Lift service at the properties in question because the residents were disabled and could not present waste for collection themselves. However, the Ombudsman found that the Council had failed to provide a reliable service to the residents. They had all experienced repeated missed waste collections over extended periods of time and Mrs D had also experienced problems with her bins being left in unsafe positions. The Ombudsman found that these were serious service failures which amounted to a clear injustice, because some of the Council’s most vulnerable residents were denied reliable access to an essential service that should be available to all. As well as living with the stress of not knowing whether their waste would be collected, the residents often had to put up with a build-up of waste at their properties which had a significant negative impact on the enjoyment of their homes and potentially posed a risk to their health and safety. The Ombudsman considered that it was a serious indignity that the residents, 2 of whom were in their 90s, should have had to suffer such inconvenience for such a prolonged period of time.

The Ombudsman also upheld the complaint about the Council’s response to the reports and complaints it received about the Assisted Lift service. He found that, despite receiving repeated formal complaints and 100s of calls from the complainants, the Council failed to properly acknowledge or act on their concerns. The Council frequently failed to rectify missed collections reported by the complainants within expected timeframes and, when the complainants asked to speak to a supervisor, they often had to wait for months for a call-back or never received one. The Ombudsman found that this caused them avoidable distress over a long time, which amounted to a considerable injustice.

The Ombudsman found evidence of systemic problems with the Assisted Lift service, primarily caused by a failure to effectively communicate information about registered properties to crew members on the front line. He was particularly concerned that these problems had not been appropriately addressed by the Council and that they might be affecting a number of other vulnerable residents.

The Ombudsman recommended that the Council should take the following actions in order to address the injustices experienced by the complainants and to rapidly improve the Assisted Lift service for the benefit of all residents who use it:

- Apologise to the complainants (including 2 additional complainants identified by the Ombudsman), pay each of them £250 in respect of time and trouble associated with pursuing their complaints and reimburse them for the cost of telephone calls to the Council.
- Arrange for a designated waste collections supervisor to contact the complainants to resolve any ongoing concerns.
- Ensure that it handles similar complaints it receives about the Assisted Lift service consistently with the complaints I have investigated, providing redress where appropriate in keeping with the above recommendations.
- Carry out a comprehensive review of the Assisted Lift service.
- Produce an action plan for improvements and share details of proposed actions with all service users.
- Carry out a review to ensure that all reports and complaints about the Assisted Lift service are handled effectively and that, in general, repeated complaints from vulnerable residents are appropriately escalated.

The Ombudsman was pleased that the Council accepted his report and recommendations.

The Complaint

1. Mrs D, Mrs F and Miss P (“the complainants”) all complained that the “Assisted Lift” waste collection service operated by Cardiff Council (“the Council”) had failed to meet their needs (or in Miss P’s case, her mother’s needs) as vulnerable residents on a consistent basis. They also complained that the Council had failed to respond adequately to their reports and complaints about problems with the Assisted Lift service.

Investigation

2. My Investigator obtained comments and copies of relevant documents from the Council and considered those in conjunction with the evidence provided by the complainants.

3. During the last 3 years, I have received a number of very similar complaints about the Council’s Assisted Lift service. My office settled 7 of these complaints on the basis of commitments made by the Council to take action to resolve residents’ concerns. However, I continued to receive complaints about the same issues. In order to address these ongoing concerns and consider potential systemic problems with the service, I decided to investigate the 3 complaints referred to in this report. Since this investigation started, I have received 2 further complaints about the same matters that would also have been investigated had this investigation not already started. I have not included every detail investigated in this report, but I am satisfied that nothing of significance has been overlooked.

4. The complainants and the Council were all given the opportunity to see and comment on a draft of this report before the final version was issued.

Relevant policy, legislation and guidance

Human Rights and Equalities

5. The Equality Act 2010 (“the Equality Act”) places a duty on public bodies, such as the Council, to make reasonable adjustments to their services or functions to address barriers preventing people with a protected characteristic, such as a disability (defined as an impairment that

substantially affects a person's normal day to day activities), from accessing services or functions. It also includes the "Public Sector Equality Duty" which provides that public authorities must have due regard to the need to advance equality of opportunity between those who share a protected characteristic and those who do not.

6. Under the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 ("the Regulations"), Councils must assess and monitor the likely impact of their policies and practices on their ability to comply with the Public Sector Equality Duty. In doing so, they must have due regard for any relevant information they hold and must engage with people with relevant protected characteristics who have an interest in the service provided. Public bodies can demonstrate compliance with equality duties through the use of Equality Impact Assessments ("EIA").

7. The Human Rights Act 1998 ("the HRA") incorporated the European Convention on Human Rights ("the Convention") into UK law. All public authorities must follow the HRA. Article 8 of the Convention concerns the right to respect for private and family life, home and correspondence. Article 14 requires that all Convention rights must be applied without discrimination (including by reason of disability). Underpinning human rights are the core values of fairness, respect, equality, dignity and autonomy.

8. It is not the Ombudsman's function to make definitive findings about whether a public body has breached an individual's human rights by its action, or inaction, or to make determinations of a breach of the Equality Act. However, I will identify where human rights matters are engaged and comment on a public body's due regard for them, and its due regard for the Equality Act.

Policies relating to the Council's Assisted Lift service

9. The Assisted Lift service (also known as "Registered Collections") was established by the Council to provide help for residents who are unable to move their waste onto the street for collection in the usual way. Once a resident has been approved to receive the service, the Council's waste collection teams are required on scheduled collection days to collect waste

from an agreed collection point on their property and return the relevant bin(s) to the same location. In order to receive the service, all members of the household over the age of 16 must meet at least 1 of the following criteria:

- Registered disabled.
- Living with a medical condition that renders them unable to move their bin.
- Due to have or is recovering from surgery.
- Pregnant and unable to move their bin.

10. Residents can report missed waste collections directly through the Council's website or mobile app, or by calling the C2C helpline ("C2C"). After the scheduled collection day has passed, Assisted Lift residents have 48 hours to report a missed collection (all other residents have 24 hours). The Council's service standard for re-collecting missed collections is 2 working days.

11. In October 2018, the Council updated its EIA for the Assisted Lift service ("the EIA"). The EIA stated that, since January 2018, the Council's collection vehicles had been fitted with in-cab computers which meant that the orange stickers which had previously been used to identify Assisted Lift properties were no longer necessary. It covered provisions to raise awareness of the service and to simplify the application process but did not include any evaluation of operational performance or any provision for further review.

The background events

Mrs D's complaint

12. Mrs D complained to the Council in April **2018** that its waste collection teams were regularly failing to return her bins to the correct position after being emptied. She was in her late 80s and was registered for the Assisted Lift service due to restricted mobility. Although her son was living with her,

he was unable to move the bins as he had suffered several strokes. In response, Mrs D received 2 letters from the Council's waste collections department ("the Collections Department") apologising for the misplaced bins and promising that her collections would be monitored for a period by a supervisor to ensure that her bins were replaced correctly.

13. In January **2019** Mrs D complained that, ever since joining the Assisted Lift service, she was having to call the Council's C2C helpline regularly to report misplaced bins, and that the most recent collection had failed to take her food waste or recycling. She said it was "beyond a joke" that someone of her age and vulnerability should have to put up with such a poor service. In response, the Council apologised and said her collections would be supervised "over the coming weeks".

14. Mrs D complained again in April stating that her general waste bin was being left in a place which was difficult for her or her son to access safely. Sadly, Mrs D's son died in November 2019 and she has been living alone since then.

15. On 13 March **2020** Mrs D complained to me that she was continuing to experience problems with the Assisted Lift service but that the Council had failed to respond to her concerns. In June I settled the complaint after the Council agreed to monitor the service that Mrs D was receiving for the next 4 months and, in the event of further failed collections or failures to return bins to the agreed position, apologise to Mrs D and rectify the problem within 24 hours.

16. Mrs D complained to me again about the Assisted Lift service in March **2021**. By this time, she was 92 years old. She said that her food waste and general waste had not been collected between 17 February and 31 March. She said that, despite reporting the missed collections, the Council had repeatedly failed to re-collect the waste within 2 working days. She complained that when her food waste was finally collected, the crew left the bins on her driveway, so she had to retrieve them herself.

17. On 27 July Mrs D told my Investigator that she was still experiencing missed collections and was still having to spend time and money reporting problems to the Council. The records show that between 2 July 2018 and

23 March 2021, Mrs D called C2C 52 times to report missed collections or bins not returned to the correct position.

Mrs F's Complaint

18. Mrs F registered for the Assisted Lift service due to mobility problems caused by a double hip replacement, arthritis and epilepsy. Between 10 January **2019** and 17 July **2020**, Mrs F made frequent calls to C2C to report missed collections of general, recycling and garden waste.

19. On 30 July Mrs F asked C2C to submit a formal complaint on her behalf. She said that she had complained earlier in the year but had not had a response. She said that she had orange stickers on her back gate and on her garage, but that crews were still taking her neighbours' waste and leaving hers.

20. On 10 August a waste collections supervisor ("the Supervisor") spoke to Mrs F. Following the call, the Supervisor noted that Mrs F did not require a written response. Mrs F made 4 calls to C2C between 27 August and 1 October, chasing missed garden waste collections and requesting a call back from the Supervisor. She said that when she spoke to the Supervisor about her complaint in August, the Supervisor said she would let her know what further actions would be taken. On 5 October she called C2C again to say she had still not been called by the Supervisor. She said that it was "disgusting" to have to wait so long for a call back.

21. Mrs F reported further missed recycling, garden and general waste collections in January **2021**. On 15 January she was told that re-collections were delayed due to resource issues. From 1 March Mrs F's food and general waste collections were missed for several weeks. She called C2C on 8 March to register a further formal complaint.

22. The Council responded to Mrs F on 20 April. It apologised for the missed and delayed collections and said that all crews had been reminded that her property required Assisted Lift collections. Mrs F complained to me the same day. In the meantime, Mrs F continued to report regular missed collections affecting garden waste, food, recycling and general waste throughout April and May.

23. By 21 May Mrs F's recycling had not been collected for 2 months. Internal Council emails show that, on 1 occasion, a member of a general waste crew moved Mrs F's bags closer to the road so that they were in full view, but that the recycling crew still failed to collect them.

24. C2C records show that between 7 March 2019 and 21 May 2021, Mrs F called C2C 51 times in relation to problems with the waste collection service. Crews frequently marked Mrs F's street as completed for collection rounds that Mrs F later reported as having been missed.

Miss P's complaint

25. In April **2020** Miss P successfully applied for Assisted Lift on behalf of her mother, Mrs R, who was waiting to be discharged from hospital. Mrs R was 90 years old and had poor mobility.

26. Between May and August, Miss P called C2C 10 times to complain that Mrs R's waste was not being collected as promised. Miss P made a formal complaint on 17 August. She said that by the time the waste was collected, Mrs R's food and general waste bins were full and infested with maggots and flies. She said that her mother could not open a window or the back door at one of the hottest times of the year for fear of flies swarming into her house. She said Mrs R had been very anxious and distressed as a result. She complained that she had been promised a call back from the Collections Department on 3 occasions but had not been contacted.

27. Responding on 27 August, the Council apologised for the missed collections and said that Mrs R's property had been placed on its "priority collection" database. It said that crews had been reminded about Mrs R's collection point and that a waste collections supervisor would monitor her collections "over the coming weeks" to avoid further disruptions to the service.

28. Miss P reported further missed collections of Mrs R's food and general waste in October. She said the failings caused great upset to her mother who was physically unable to put her bins out, and she feared that her mother might attempt to move them herself out of desperation.

29. On 2 November a waste collections supervisor responded, blaming a recent change of crew members for the missed collections, and making further assurances about sending reminders to crews and ongoing supervision. Miss P emailed the Collections Department on 7 November complaining that her mother's food waste had still not been collected. On 9 November Mrs R's property was added to the priority collections database again. On 10 November Miss P received a further response from a waste collections supervisor who said that they had taken a photo of the collection point which they would show to the drivers.

30. Miss P emailed the Collections Department again on 6 March **2021** complaining that Mrs R's general, food and recycling waste had not been collected for at least a month. The Council responded on 20 April stating that all crews had been reminded that her mother's address was on the Assisted Lift service. It said that a supervisor had visited the property to remove waste and had noticed that there were no orange stickers present. It asked Miss P to advise if she wished to request some.

31. On 7 April Miss P complained to me about ongoing problems with the Assisted Lift service. Subsequently, the Council re-added Mrs R's property to the priority collection list.

32. On 28 June Miss P made another formal complaint to the Council. She said that following months of failed collections, maggots were collecting in the bins again and that she had been waiting all that time for a call back from a waste management supervisor. She submitted a further formal complaint on 13 July, stating, "it appears that [the Council] struggle, despite numerous calls, online contact and formal complaints to be able to collect my mother's waste despite operators being outside her property on a weekly basis." She received a brief response from the Council which stated, "the crew have been reminded about your mother's address and a waste collections supervisor will monitor her food waste collections."

Mrs D's evidence

33. Mrs D said that all she was asking for was for the Council to collect her waste on a regular basis. She said there were orange stickers on both her bins. She said the problems she had experienced were very worrying and

upsetting for her, especially when her bins overflowed after missed collections. She said that when the bins were left in the wrong place, she sometimes had to ask family members or neighbours to help move them. On 1 occasion, she had fallen against the wall while trying to move them herself.

34. Mrs D said she was unhappy that she had to spend a lot of time and money on telephone calls reporting the problems and that she was often told that a manager would call back but then heard nothing. She said that she had spent over £200 on telephone calls and was now in debt to her landline provider as a result. She said that she did not think she should have to deal with this as a 92-year-old.

Mrs F's evidence

35. Mrs F said she had experienced problems ever since she signed up for Assisted Lift. She said that it worried her when the waste started to accumulate at her property because she was not able to move the bags herself safely. She said that it was upsetting that she constantly had to chase up missed collections. She said that her grandson was so concerned that she might fall over uncollected waste that, on occasions, he had moved the waste out to the road for collection himself and returned the following day to move the bins back. She said it was stressful not knowing whether her waste would be collected.

36. Mrs F said that when she reported missed collections to C2C, she was regularly told that the Collections Department would be alerted, but that they never arranged re-collections. She said she was often told to wait for the next collection day and that this made her feel that her calls to C2C were a waste of time and money. She said that she had asked if she could speak to a manager about the problems but had been told by call handlers that there was no-one "above them."

37. Mrs F said she wanted the Council to revise its policies to ensure that her waste was consistently collected on schedule. She also said that she had heard that another lady on her street who was on Assisted Lift was also having similar problems.

Miss P's evidence

38. Miss P said that her mother was suffering ongoing distress as a result of the Council's failure to provide a reliable waste collection service. She said that her mother felt frustrated about not being able to put her waste out and was upset to see her waste being left when her neighbours' waste was taken. She said that this made her mother feel like she was being ignored and did not matter.

39. Miss P said that the poor service had been a "nightmare" for her personally, requiring her to endlessly chase up missed collections. She said that it was very stressful having to do this while working full time. She said that she had reported missed collections through the Council's app and through C2C but had received a number of automated messages which stated, incorrectly, that the collections had been completed. She said she was "at her wits end" after months of fruitless efforts to resolve the problems with her mother's waste collections.

40. Miss P said she was aware of at least 1 other elderly Assisted Lift resident who had experienced similar problems with the service recently and that these had not been resolved prior to the person's death.

The Council's evidence

Evidence on the Assisted Lift service

41. The Council said that 3,218 properties were registered with the Assisted Lift service as of May 2021. It said that between 1 April 2020 and 1 April 2021 there were 653 reports of missed Assisted Lift collections. It said that, during the same period, it had received 130 formal complaints about the Assisted Lift service.

42. The Council said that a full review of the Assisted Lift service was carried out in December 2018. It said that the review led to changes which sped up the process for adding approved properties to the Assisted Lift service and tightened up the process for 3-yearly reviews of residents' needs.

43. The Council said that information about each Assisted Lift property, including details of the collection points, is recorded on the in-cab devices. In order to view this, a crew member would need to expand the information held against the property. It said that when loading crew are within the cab, they are able to access and view this information, but that when they were away from the vehicle, orange stickers serve as a visual signal to the loaders that the property is on Assisted Lift.

44. The Council said that the priority collection function is used if problems are occurring with collections from a particular property. It said that when a waste vehicle drives alongside a property which has been added to the priority collection database, a corresponding alert appears on the driver's in-cab display which remains until it has been acknowledged. The Council said that there was no alert message for Assisted Lift properties. Instead, they were identified by a hand-shaking symbol by the side of the property on the screen showing properties on each street.

45. The Council said that it believed its provisions and policies for the Assisted Lift service, and for reporting and responding to problems, complied with its duties under the Equality Act. It said that the provision of the Assisted Lift service ensured that all residents could access recycling and waste collections without discrimination. In addition, it said that it offered an extended period of time for these residents to report missed collections and prioritised their re-collection requests. However, it acknowledged that in individual cases where persistent issues were occurring it may not have been meeting its duties. It said that, in common with local authorities across the UK, it had been managing significant pressures brought about by the COVID-19 pandemic and Brexit which had affected crew availability. In recent months there had been a particular shortage of appropriately qualified drivers.

46. The Council said that complaint levels were at acceptable levels, considering that it managed around 19 million collections annually and that a level of human error was inevitable. It said that it accepted the need to strengthen the process for service areas to report repeated problems to its Corporate Complaints Team as a learning point.

The Council's comments on Mrs D's complaint

47. In response to this investigation, the Council accepted that it had not met the full terms of the early resolution agreed with my office in settlement of Mrs D's previous complaint. It said that further missed collections had occurred and that it had not contacted Mrs D to apologise and arrange re-collections as agreed. It said this was due to an oversight caused by changes to service delivery. It proposed to monitor Mrs D's collections for 4 months and to make a payment of £125 to her in respect of its failure to comply with the early resolution agreement.

The Council's comments on Mrs F's complaint

48. The Council said that, having reviewed the missed collection service requests logged against Mrs F's property, it was clear that she had not received a consistent waste collection service. It said that significant changes to the waste collection service in February 2021, which involved moving to a 4-day week, contributed to the recent missed collections because it took time for crews to become familiar with their rounds. It said that it was clear that crews were not paying attention to the information recorded about Mrs F's property on the in-cab devices. It apologised that Mrs F did not receive the call-backs that she requested from managers.

The Council's comments on Miss P's complaint

49. The Council said that the failed collections at Mrs R's property in October 2020 were in part caused by the need to re-arrange collection rounds due to the numbers of staff who were sick or self-isolating due to COVID-19. This meant that some crews were less familiar with the rounds they were assigned to. It said that the service changes referred to above contributed to the problems Mrs R had experienced since February 2021. It apologised for the failure to respond to Miss F's reports and for not arranging call-backs as requested.

Analysis and conclusions

Complaint that the Council's Assisted Lift service failed to meet the needs of vulnerable residents on a consistent basis.

50. The evidence in this report shows that Mrs D, Mrs F and Mrs R (“the residents”) experienced repeated missed collections over extended periods and that the Council was fully aware of this. Even when the waste was collected, Mrs D found that crews would often leave her bins in unsafe positions.

51. In accepting the residents' applications for the Assisted Lift service, the Council undertook to help them access its waste collection services. I find that, by persistently failing to address missed collections and other problems with the Assisted Lift service, the Council failed to honour that commitment. This was a serious service failure and a clear injustice, because it denied some of the Council's most vulnerable residents reliable access to an essential service that should be available to all. For these reasons, I **uphold** this complaint.

52. The missed collections have been a persistent source of anxiety and distress for the residents, particularly when they continued for several weeks. As well as the unpleasant appearance and smell caused by the build-up of bags and overflowing bins, the residents had to live with the added worry that they might trip and fall over the accumulated waste. To make matters worse, the waste sometimes attracted maggots and flies which, in Mrs R's case, prevented her from opening her door and windows at one of the hottest times of the year. The residents said that it was frustrating and upsetting that they could not be sure, from week to week, whether their waste would be collected. They said it was distressing that the Council collected their neighbours' waste but regularly left theirs behind. It should be a source of deep regret to the Council that, according to Miss P, this experience caused Mrs R to feel that she did not matter.

53. It is likely that the complainants and most Assisted Lift residents would benefit from the protection of the Equality Act under the category of disability. I am also mindful that some other residents will require the service due to pregnancy, which is also a protected characteristic. I am

therefore concerned that, although the Council has attempted to make reasonable adjustments to the way it provides waste collection services to those residents, the evidence of inconsistent provision strongly indicates that the reasonable adjustment is not operating as intended. This may engage the complainants' rights under the Equality Act.

54. The Council's EIA, which was last updated 3 years ago, failed to adequately assess the impact of the Assisted Lift policy because it did not consider relevant operational evidence or engage with disabled or pregnant service users or their advocates, as required under the Regulations. It also failed to comply with its duty to make provisions for further monitoring. In my view, the absence of an adequate assessment or review of the impact of the Assisted Lift policy on disabled residents, calls into question whether the Council has upheld its obligations under the Public Sector Equality Duty.

55. I am also concerned that, in failing to address problems with the service, the Council may not have had sufficient regard for the residents' human rights. I consider that Article 8 of the Convention was engaged because the Council was aware through the residents' complaints that the stress, nuisance and health and safety concerns associated with accumulating waste were having a significant negative impact on their enjoyment of their homes. It was a serious indignity that the residents, 2 of whom were in their 90s, should have had to suffer such inconvenience for such a prolonged period of time. It is all the more concerning that the problems do not appear to have been resolved. In my view, if Article 8 was engaged, Article 14 is likely to have also been engaged, owing to the realistic prospect that the denial of reliable access to waste collection services was discriminatory, having regard to the residents' disabilities.

56. The Council said that crew members' unfamiliarity with their rounds contributed to missed collections and failures to return bins to the agreed collection point, but the evidence I have seen indicates that the main cause of these problems is poor communication. The in-cab devices hold sufficient information to enable all crews, regardless of their familiarity with a particular round, to be aware of which properties need Assisted Lift and where the collection points are. However, the Council has acknowledged that this information does not always reach loading crews while they are away from the vehicle.

57. The sporadic use of priority collection alerts shows that the Council does not have full confidence that key information will be accessed by drivers and passed to loading crews. This is further confirmed by its admission that crews still rely on orange stickers as a visual reminder of Assisted Lift properties, despite the fact that residents joining the service have not been required to display orange stickers since the introduction of the in-cab system. In any event, the use of orange stickers is clearly not fail-safe, as Mrs D and Mrs F have found to their cost. Similarly, whilst I would question the fairness of using the priority collection system for some Assisted Lift residents and not others, it is apparent that the periodic inclusion of Mrs R's property on the priority list has not consistently prevented missed collections. I am concerned that by focusing on the role of human error, the Council has missed opportunities to review and improve its processes.

58. It is clear that there is an urgent need for the Council to implement measures to improve the flow of information about Assisted Lift properties from the in-cab devices to the loading crews. This should include, but not be limited to, consideration of upgrades to the in-cab devices and the use of mobile devices and/or radio headsets. The Council should also consider designating a specific member of each loading crew to work with the driver to ensure that the whole team is aware of Assisted Lift properties and pick up locations. Given the evidence of delayed re-collections, the Council should review how it can more effectively prioritise re-collection requests for Assisted Lift residents.

Complaint that the Council failed to respond adequately to reports and complaints about problems with the Assisted Lift service

59. Between them, Mrs D, Mrs F and Miss P made multiple formal complaints and well over 100 calls to C2C about problems with the Assisted Lift service. Miss P made use of the Council's website and app, but her experience was the same as Mrs D and Mrs F who primarily reported problems through C2C. When they reported missed collections, the Council frequently failed to meet its service standard of 2 working days for arranging re-collections. When they asked to speak to a supervisor or manager about the problems, they often had to wait for months for a call-back or never received one. When they complained formally, the Council invariably

promised to monitor their collections and remind crews of their responsibilities, despite the fact that these measures had previously repeatedly failed to ensure a reliable service. I was particularly concerned that the Council failed to take meaningful action to resolve Mrs D's previous complaint, even after agreeing a settlement with my office. The Council's handling of these complaints was unacceptably poor and amounted to a clear service failure.

60. I can well understand why Miss P told my Investigator that she was "at her wit's end" in relation to her dealings with the Council. The complainants felt, understandably, that their concerns were being ignored, or at the very least, not taken seriously. This resulted in avoidable distress to the complainants over long periods of time (over 3 years in Mrs D's case). This was a considerable injustice. No resident should have to experience such an inadequate response to their complaints. I **uphold** this complaint.

61. The Council appears to be almost entirely reliant on residents to report problems with the Assisted Lift service. This cannot be appropriate, taking into account the needs of these residents. The evidence in this report indicates that crews often mark streets as complete without checking that Assisted Lift collections have been carried out. The Council should take urgent action to improve the system so that missed collections are identified and rectified, as far as possible, without the need for residents to report it. It is very unfair that the complainants have had to spend a significant amount of time and money reporting problems that should have been picked up by the Council itself. I consider that this injustice could not be redressed adequately without recommending financial awards to the complainants.

62. In order to demonstrate that it is meeting its duties under the Equality Act, the Council should urgently update its EIA to consider how it can minimise the need for complainants to report problems and make it easier for them to complain and speak to a supervisor promptly. The updated EIA should include plans for ongoing review of operational performance of the Assisted Lift service, taking into account feedback from residents' reports and complaints.

63. In reaching my findings, I have been mindful of the unprecedented difficulties the Council has faced during the COVID-19 pandemic, and the fact that it has introduced significant service changes which meant that some disruption was inevitable. Nevertheless, I would have expected it to make more effort to prioritise the needs of vulnerable residents using the Assisted Lift service. In any event, the evidence gathered during this investigation shows that the Council has been aware of ongoing problems with the Assisted Lift service since at least April 2018. C2C call-handlers had direct evidence that the waste management service was not acting on its referrals but failed to escalate the residents' concerns appropriately.

64. In the year to 1 April 2021 alone, the Council received 653 reports of missed collections and 130 formal complaints. Whilst these numbers may seem small relative to the overall number of collections carried out, they are significant when compared to the number of properties registered for Assisted Lift. I am concerned that the complaints did not trigger a full operational review of the Assisted Lift service, bearing in mind that the impacts of the failings fell directly on vulnerable residents. I am also concerned that the true extent of the problem may have been hidden, considering that vulnerable residents may be less likely to complain due to barriers presented by old age and disability. This underscores the urgent need for the Council to take effective action to address the failings raised in this report.

Recommendations

65. I **recommend** that within **1 month** of this report, the Council should:

- (a) Apologise to Mrs D, Mrs F, Miss P, Mrs R and 2 complainants identified by the Ombudsman for the distress and injustice caused by the failings identified in this report.
- (b) Arrange for a designated waste collections supervisor to review the contents of this report and contact Mrs D, Mrs F, Miss P and 2 complainants identified by the Ombudsman directly to address any ongoing problems affecting their collections.

- (c) Make payments of £250 each to Mrs D, Mrs F, Miss P and 2 complainants identified by the Ombudsman in respect of time and trouble associated with pursuing their complaints.
- (d) Arrange to reimburse Mrs D, Mrs F, Miss P and 2 complainants identified by the Ombudsman for the cost of telephone calls to the Council to report or complain about problems with the Assisted Lift service.
- (e) Put measures in place to ensure that any subsequent complaints it receives from residents who have experienced substantially similar problems to those experienced by the residents referred to in this report are dealt with promptly and consistently, providing redress, where appropriate, which is in keeping with the measures set out in recommendations a) – d) above.

66. I **recommend** that as soon as possible and within **4 months** of this report, the Council should:

- (f) Complete a comprehensive review of the Assisted Lift service according to terms of reference agreed by its Chief Executive in liaison with its Equality and Human Rights Officer, taking full account of the findings of this report and incorporating an updated EIA which fully complies with the Regulations.
- (g) Produce an action plan, based on the findings of the comprehensive review, detailing how the Council will implement improvements to the Assisted Lift service within clearly defined timescales.
- (h) Contact all Assisted Lift residents to advise them of its proposed actions to improve the service, and fully explaining the context for the comprehensive service review.
- (i) Carry out a review of its complaint handling function, according to terms of reference approved by its Chief Executive, to ensure that all reports and complaints made by residents using the Assisted Lift service are handled effectively and that repeated concerns relating to vulnerable users of any service are appropriately escalated.

67. I am pleased to note that in commenting on the draft of this report the Council has agreed to implement these recommendations.

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a large, sweeping flourish above the name.

Nick Bennett
Ombudsmon/Ombudsman

19 January 2022

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