

Performance and Audit Scrutiny Committee



Forest Heath
District Council

Title of Report:	Decision Relating to Complaint to Local Government Ombudsman Report	
Report No:	PAS/FH/18/033	
Report to and date:	Performance and Audit Scrutiny Committee	27 September 2018
Portfolio holder:	Councillor Sara Mildmay-White Portfolio Holder for Housing Tel: 01359 270580 Email: Sara.Mildmay-White@stedsbcc.gov.uk	
Lead officer:	David Collinson Assistant Director (Planning and Regulatory Services) Tel: 01284 757306 Email: david.collinson@westsuffolk.gov.uk	
Purpose of report:	To inform the Committee of the details of a complaint the Local Government Ombudsman received in relation to a Disabled Facilities Grant (DFG).	
Recommendation:	Performance and Audit Scrutiny Committee: It is RECOMMENDED that the Committee notes the remedial actions taken by the Assistant Director (Planning and Regulatory Services) following the findings of the Local Government Ombudsman and a complaint made to him in relation to the Disabled Facilities Grant.	

Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>		<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:		<ul style="list-style-type: none"> • Local Government Ombudsman 	
Alternative option(s):		<ul style="list-style-type: none"> • <input type="checkbox"/> Do nothing. <input type="checkbox"/> Accept the findings of the Local Government Ombudsman (LGO). 	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> £200 compensation	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Not to comply with the LGO suggest remedy		Comply with the LGO remedy	Low
Reputational Challenge		Comply with the LGO remedy	Low
Ward(s) affected:			
Background papers:			
Documents attached:		Appendix 1 – Final Decision LGO	

1. Key issues and reasons for recommendation(s)

Context

- 1.1 As Councils, we always endeavour to provide our services to the highest standards, ensuring our customers receive the service they would expect. However, periodically, in a small number of cases, things can and do go wrong and wherever that is the case, we seek to take appropriate remedy to redress the situation.

As part of the balanced scorecard reviews, the Performance and Audit Scrutiny Committee receive reports on the general numbers of complaints and compliments upheld. The Committee also has responsibility for receiving complaints that have been upheld by the Local Government Ombudsman (LGO).

Where someone is dissatisfied with the service provided by the Council, they may submit a complaint which is dealt with through the two step standard corporate process. The first step is that the complaint is considered by the service area about which the complaint is made. If they are unhappy with the response, this will be referred to the Council's legal team (step 2), who will then provide an independent perspective on the matter. If they wish to pursue their complaint further (even if the complaint is upheld by the Council), then they are entitled to refer the matter to the LGO.

Each year, the Council is provided a report by the LGO on the number of complaints it has received and upheld. It should be noted that there is effectively no appeal to an LGO decision, and the associated recommendation.

1.2 Summary of Complaint

- 1.2.1 In 20xx Mr X was recommended for a DFG to meet his essential needs in his home, where his bathroom needed to be adapted into a level access shower. This is normally a straightforward DFG, where the Home Improvement Agency (HIA) would oversee the application process on behalf of the applicant. This has worked well for many residents' over the years, who have benefited from this type of DFG works in their homes.

The HIA initially took on the DFG, and a complaint was made by Mr X at an early stage about how this was being managed. The HIA was unable to proceed with the application, with Mr X refusing to work with them or sign their documentation. The Council did attempt to remedy this situation and made some concessions, in terms of the extent of works and him signing HIA documentation. This was still, however, unsuccessful in terms of the DFG progressing.

Further attempts were made, ostensibly through Council staff, to progress the application towards works and completion. Unfortunately Mr X continued to make complaints, and any trust Mr X had with officers of the Council broke down.

With the DFG application delayed, Mr X complained to the LGO having exhausted the Council's complaints process. The LGO decided that the Council was at fault and recommended that in order to rectify matters the Council was to procure a contractor to carry out the works, outside the scope of the DFG process and legislation. Reluctantly, and being aware of the breakdown in trust between Mr X and the Council, the Council complied with the LGO recommendation and the majority of works were completed. Unfortunately Mr X was not satisfied with the works undertaken by the contractor and this eventually led to the contractor leaving site. Mr X also refused the Council reasonable access to his home in order to properly assess the quality and extent of the works so the DFG could not be signed off as satisfactorily completed.

Mr X made a further complaint leading to the LGO arranging a meeting between Social Care and the Council, in December 2017, at which officers assumed a way forward had been agreed. The officer for the LGO suggested that an offer of a payment by the Council for Mr X to employ his own contractor, to carry out necessary works agreed by Social Care, would resolve matters and absolve the Council of any ongoing duty in respect of the DFG. It was at this meeting that Social Care advised both the Council and the LGO that Mr X suffers from Paranoid Personality Disorder (PSD). He is, however, considered by Social Care to have capacity to make his own decisions and manage his affairs. The Council felt the suggested resolution to the complaint made to the officer of the LGO was the best way forward and subsequently made a very reasonable offer, through the LGO, to cover the final snagging works and any inconvenience that may have been suffered to Mr X. Unfortunately it would appear that the relationship between Mr X and a contractor he had hoped to engage to undertake the works had failed so the LGO determined that such an offer would no longer resolve the situation. When the LGO's final decision was received in August 2018 they found the Council at fault, despite the Council setting out the history behind the complaint and strongly advising that such a resolution has failed in the past. We advised the LGO that we were extremely disappointed with their decision, given the circumstances involved; the fact that we had gone well beyond what is required by the legislation and the personal circumstances relating to Mr X.

The full LGO report (complaint, investigation, finding and recommendation) is given in section 2 below. The required actions are in hand; we have procured an independent surveyor to assess the works required to complete the DFG satisfactorily and to then allow a contractor to be employed to complete any necessary works. We have made the required apology and will arrange for the compensation payment of £200. Mr X will need to agree these actions and work with us to remedy the situation for him, which may not be possible given the history and his condition. The LGO has advised that if Mr X, through his behaviours, does not allow this recommendation to be complied with then they will close their case. We expect the LGO to comply with this in practice.

The DFG is an important grant for many disabled residents' to live independently in their homes. It is, therefore, very frustrating that we have been unable to deliver this DFG in the same way that has helped so

many other residents' previously. The relevant service has done everything possible to complete this particular DFG, and we will attempt to do so following this latest recommendation.

2. Additional supporting information

- 2.1 LGO complaint/report attached as **Appendix 1**.