

# Cabinet



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Local Government Ombudsman Complaint Upheld – October 2014</b>	
<b>Report No:</b>	<b>CAB/FH/14/004</b>	
<b>Decisions plan reference:</b>	Dec14/09	
<b>Report to and date:</b>	<b>Performance and Audit Scrutiny Committee</b>	26 November 2014
	<b>Cabinet</b>	9 December 2014
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<b>Purpose of report:</b>	Mr X is a Disabled Facilities Grant (DFG) applicant, dissatisfied with the service that he has received. Mr X took a complaint through the Council Complaints Process which was partly upheld, and following this he took his complaint to the Local Government Ombudsman (LGO) who also upheld this part of his complaint.	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that, the Cabinet <u>notes</u> the Local Government Ombudsman decision of maladministration and injustice and endorses the payment of the recommended compensation of £150.</b>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b>do not</b> apply.)	Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<b>Consultation:</b>	<ul style="list-style-type: none"> <li>N/A</li> </ul>		
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>Should the Council not have accepted the recommendations or agreed to pay the compensation the Local Government Ombudsman would have reported that fact. As the recommendation was in line with our own investigation complaint findings, it was considered sensible to agree with the recommendations and make the payment.</li> </ul>		
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> <li>The compensation would be paid from the Housing budget.</li> </ul>	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any <b>equality</b> implications? <i>If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> <li>The Equalities Act 2010 requires that Councils make reasonable adjustments to assist disable people overcome barriers to use their services.</li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Negative image of Council. Further complaints.	Medium	Fully accept LGOs recommendations. Review procedures.	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		N/A	
<b>Documents attached:</b>		Appendix 1 – Local Government Ombudsman decision	

## **1. Key issues and reasons for recommendation**

### **1.1 Local Government Ombudsman Complaint Upheld – October 2014**

1.1.1 Mr X applied to the Council for a DFG to adapt his bathroom, following a referral by his Occupational Therapist in June 2012. Initially his DFG was being overseen by the Home Improvement Agency however Mr X became dissatisfied with their approach and requested a different way to make his application. The Council then attempted to help Mr X make his application, but he chose instead to make a complaint about the service that was being offered in this regard.

1.1.2 The LGO accepted that the Council failed to respond to Mr X's request for assistance in making his complaint. Due to his disability Mr X found writing difficult and was unable to easily submit his complaint in the requested format. The Council is expected, in accordance with the Equality Act 2010, to make reasonable adjustments for disabled people and the LGO did not believe that this requirement was sufficiently met. Mr X ought to have been offered an alternative to requiring his complaint in writing which to him was a barrier to making that complaint.

Mr X's complaint regarding the progress of his DFG application was not justified in the opinion of the LGO, it was the complaint process where the Council ought to have provided assistance where requested. Furthermore the Head of Planning & Regulatory Services, responsible for DFG at this time, did respond to MR X's complaint and offered to meet with him. It is reasonable to suggest that the emphasis was placed on progressing his DFG at the same time as considering his complaint.

1.1.3 The LGO did, in considering the other elements of Mr X's complaint, conclude that the Council could not be held responsible for the delay in progressing the DFG. Indeed, considerable resource has been employed to assist Mr X to make his application, which has now reached the approval stage. Unfortunately, Mr X has not been able to agree to a builder commencing works therefore the adaptation is regrettably still outstanding. This has been a very challenging and complex case despite a Social Worker and independent advocate working with relevant officers to assist with the progress of this DFG.

1.1.4 Mr X also complained to the LGO about the restriction in communications that was put in place, however, this was not upheld. The restriction was put in place, across the Council, to reduce the amount of time that Mr X was spending with various officers and to focus him on his DFG. He was given one officer to liaise with on his DFG, and the LGO considered this a reasonable approach.

1.1.5 It is suggested that the Council Complaint Process is considered, and that the associated guidance is reviewed to ensure that suitable and reasonable adjustments are made when recording and responding to complaints from disabled residents. If disabled residents, as in the majority of cases, utilise the Home Improvement Agency then the Council has discharged and met this duty in terms of the application process. We will, however, need to consider what is compliant in terms of applications where the resident does not wish to utilise the Agency, and this can form part of the overall review of the adaptations service which is ongoing.