

Digest of Cases 2008/09

Section F

Housing

	Introduction	1
F1	Adaptations	1
F2	Disabled facilities grant	2
F3-7	Homelessness	4
F8-9	Managing tenancies	10
F10	Regeneration	13
F11	Repairs	15
F12-14	Private housing grants	16

Introduction

We continue to receive a large number of complaints about housing.

We have featured a number of homelessness complaints in this year's *Digest*, a common criticism being the failure to advise applicants about homelessness and priority need, or failure to deal with the application.

The themes that we have noticed arising in complaints across many subject areas also feature here. They are:

- not taking into account the needs of service users, in particular those users who are young and vulnerable, ill or have disabilities;
- ignorance of or failure to follow policies and guidance;
- delays resulting in injustice; and
- making assumptions or not checking information.

F1: Adaptations

Failure to give proper consideration to application for adaptations – failure to consider general duty to promote equality of people with disability – failure to review its policies to ensure compliance with Disability Discrimination Act

Background

Mr and Mrs W were council tenants; both had developed disabilities which meant they could not get in and out of the bath. They had an overhead shower fitted to the bath but could not use it. They applied to the council for replacement of the bath with a walk-in shower. They were advised that, according to the council's policy, they were classed as low priority for the adaptation because they were considered to be under-occupying their property. They were advised that they would be given priority for a move to a bungalow or a flat. Mr and Mrs W rejected this because they had lived in the house for 30 years and one of their daughters lived in the house opposite them and provided them with assistance. They complained to the Ombudsman about the failure to properly consider their application.

The council's policy

The council funded adaptations, for those of its tenants who had disabilities, through a capital programme rather than through the disabled facilities grants process. In November 2003 the council introduced a policy that prioritised applications for adaptations, as demand was outstripping the funds the council had allocated for such works. Applicants were placed in one of four categories. The lowest priority was 'reserve' which was 'work only undertaken if no work outstanding in other priority bands'. Among those placed in this band were tenants who were under-occupying accommodation in an area of high demand.

When the Disability Discrimination Act 2005 (which amended the 1995 Act) came into force, the council introduced a Disability Equality Scheme. However, the council did not review its policy regarding adaptations to take account of its duties under the Act.

The outcome

When the Ombudsman drew the council's attention to its failure to review its policies the council agreed to:

- contact Mr and Mrs W and, either carry out the adaptation straight away or facilitate a move as soon as possible, depending on their preference; and
- review its adaptations policy to ensure that a similar situation does not arise.

(Case reference confidential)



F2: Disabled facilities grant

Disabled facilities grant – council deducted 10 per cent charges from maximum grant – no explanation of charges – council agreed to refund

The complaint

Mr E applied for a disabled facilities grant for his mother. She was entitled to the full grant of £30,000. Mr E complained that, despite him taking on the management of the project himself, the council intended to deduct 10 per cent of the £30,000 to cover its costs in administering the grant. Mr E said the 10 per cent deduction would jeopardize the project which was costing more than the maximum amount.

Regulations

The council argued that the charge was allowable under the relevant regulations¹ and had been approved as acceptable by the Audit Commission. In response to enquiries, the District Auditor

indicated that the approval given was a general one: that the council could include an additional sum to cover costs incurred. It was not an approval in this particular case. The District Auditor accepted that, while in most cases the charge has no direct effect on the recipient of the grant (because it does not result in a deduction to the amount due to the claimant) in cases where the maximum grant is payable, it does reduce the amount of grant available.

The Ombudsman's investigation

The council also argued that the practice was widespread among councils. The investigator dealing with the complaint approached nine other councils to establish whether this was common practice and what the basis for the charge was.

The question put was:

If a disabled facilities grant applicant was eligible for the maximum grant of £30,000 and acted as their own agent in all matters, how much if anything (in actual or percentage terms) would the council deduct from the grant for its own grant processing costs?

There was a range of responses, from raising no charge at all to raising a percentage charge but offering a top-up grant to make up for any shortfall

The council was unable to provide a breakdown of the costs involved in dealing with Mr E's mother's application. There is a good practice guide published by the Department for Communities and Local Government which says in relation to fees claimed by applicants:

"Particulars of the fees towards which grant is sought are required in an application and authorities must determine which of these are eligible for grant in the same way as they assess the eligible works. In doing so they should consider the reasonableness of the fees and whether they are properly incurred. As with the works themselves, the payment of grant in respect of these fees is dependent on the provision of a statutory receipt or invoice."

The council was informed that the Ombudsman was likely to conclude that a similar standard of justification should apply to councils that claim fees in a circumstance such as this which would have the effect of reducing an applicant's grant.

Outcome

When all of this information was put to the council, it agreed to waive the charge in this case to allow the payment of the full grant. The council did not accept that Mr E had acted as agent in all matters but said it would waive the whole fee as a gesture of good will. It also agreed to consider the points made about explaining fees charges.

1 *Housing and Grants Construction and Regeneration Act 1996 section 2(3); Housing Renewal Grants (Services and Charges) Order 1996.*

(Case reference confidential)

F3: Homelessness

Homelessness application – failure to take account of man’s hearing disability – requirements of Disability Discrimination Act 1995

The complaint

Mr B complained about the way a council dealt with his needs as a disabled person when handling his homelessness application, despite its response to an earlier complaint he had made about the same issue.

The Ombudsman’s investigation

The Ombudsman found that the council was at fault for:

- interviewing Mr B without a British Sign Language (BSL) interpreter on two occasions even though he was profoundly deaf and could not communicate effectively without a BSL interpreter;
- repeatedly failing to provide a textphone facility so that he could contact the council’s housing advice centre, despite a previous complaint from him about this in October 2006 and the council’s undertaking to remedy the problem – the council reviewed its arrangements at the time for housing applicants who were unable to communicate by telephone, but still failed to introduce a textphone facility in a timely fashion;
- delaying unreasonably for 12 months in providing the promised training for frontline staff on disability awareness;
- failing to comply with the requirements of the Disability Discrimination Act 1995 that require the council, as a service provider, to make ‘reasonable adjustments’ to enable disabled people to access services;
- delaying unreasonably from August 2006 to November 2007 in processing Mr B’s housing application, partly as a result of the above faults.

The Ombudsman’s view

The Ombudsman said:

“...the faults I have identified in this matter demonstrate a failure by the council to comply with the requirements of the Disability Discrimination Act 1995 – to make ‘reasonable adjustments’ to enable disabled people to access services.”

Mr B had to live in temporary accommodation for two years longer than necessary as a result of the council's failures.


Outcome

The council had already paid Mr B £750 for failing to provide an interpreter and a textphone facility. Its staff at the housing advice centre attended deaf awareness training and a textphone facility was provided, which the Ombudsman welcomed. The council said that it had also reviewed its arrangements for communication with service users and implemented the necessary changes to ensure it complies with the latest Disability Discrimination Act requirements.

In addition, the Ombudsman also considered that the council should:

- pay Mr B an additional £500 for the inconvenience and uncertainty of living in nightly-let accommodation for two years longer than necessary;
- remind all staff of the importance of recording service users' special communication needs and checking these records before attempting to contact them; and
- remind all staff of the importance of complying with its interpretation and translation policy.

(Report 07A03275)



F4: Homelessness

Vulnerable 16-year-old – no decision on priority need – no referral to social services

The complaint

This complaint was made to the Ombudsman via a housing advice agency. B was 16 years old when he left the family home following a breakdown in his relationship with his stepfather. He arranged to stay with his employer who went with him to the council's offices to seek help in November 2005.

What happened

There is a Homelessness Code of Guidance for Local Authorities which includes a chapter on dealing with 16- and 17-year-olds in housing need. It states:

“The Secretary of State recommends that housing authorities and social service authorities ...have arrangements in place for joint assessments of such young people's needs, whether the application is made initially to the housing department or the social services department.”

The council did not take a housing application from B, nor did it consider referring him to social services for assistance. He was referred to a supported hostel that provided short-term accommodation. His employer indicated that she would encourage him to work towards reconciliation with his stepfather. During the following months, B moved between the family home, the home of his employer, sleeping in a tent, bed and breakfast accommodation and the homes of friends. He approached the council again for help in May, August and December 2006, by which time he was 17. No housing or homelessness application was taken from him, which meant that he could not exercise any rights of appeal regarding whether he was homeless and in priority need. He was referred again to the temporary hostel. Appointments were made for him to be interviewed at the hostel but he failed to attend these. He stayed at the hostel for a short period in December 2006.

B approached a neighbouring authority for help. He was considered to be homeless and in priority need and in February 2007 he was offered accommodation. He had difficulties with this accommodation and eventually left. The housing advice service that had referred B's case to the Ombudsman lost contact with B between October 2007 and April 2008. The case was closed pending further contact. In March 2008, B made contact and confirmed that he had lost his job, was unable to continue on his training course and was street homeless on several occasions between November 2005 and February 2007. In February 2008, B had approached the council again for assistance and was referred to accommodation that also provided support and assistance in finding training and employment. He accepted a place in March 2008.

Outcome

In recognition of the failure to respond adequately to B's needs when he first approached the council, by referring him to social services and considering him as an applicant who was homeless and in priority need, the council agreed to make a payment to B of £3,000. The council also considered what happened in this case as part of its review of homelessness services.

(Case reference confidential)



F5: Homelessness

Failure to deal properly with homelessness application – recognition of fault and positive proposal for resolution

Background

Mr C first approached the council for assistance with housing in July 2005. He had mental health problems. At that stage he provided no evidence that he had to vacate the property he was occupying. In September of that year he was given advice and assistance and assessed as threatened with homelessness, but with no priority need. The council offered him a tenancy in October 2005 but he rejected it as by then he had found a private tenancy.

What happened

Mr C contacted the council again in June 2006 to say that he had to move from the private tenancy and would be living in a van. He had access to his daughter and so was seeking a one or two bedroom property. He was not given advice about applying to be considered as homeless and priority need. His application remained on the general needs list. He contacted the council again in January 2007 to say he was still living in the van. He was given advice about private tenancies but again no homelessness application was taken. The council had a homelessness advice and prevention service (HAP), but Mr C was not referred to it at this stage. Mr C approached the council again in November 2007 providing details of his medical condition. These were passed to the area housing office that was dealing with his general needs housing application. He contacted the HAP service directly in February 2008. He told the staff he was homeless and sleeping in his car. He was offered assistance with a hostel or private assured short-hold tenancy, which he refused.

In June 2008, following further contact from Mr C, a fresh assessment was carried out by the HAP, and evidence of his medical condition was sought. In July the council accepted that it owed a duty to Mr C as he was homeless and in priority need.

The outcome

The council responded positively to the complaint. It recognised that it should have advised Mr C about making a homelessness application in response to his approach for help in June 2006, and that a full assessment of his situation and his medical condition should have been done at that time. This failure meant that he lost out on accommodation that he had bid for in October 2006 and that he would have been allocated had he been awarded homelessness priority at that time. In deciding on a suitable settlement, account was taken of the fact that Mr C had not taken up offers of hostel accommodation.

In addition to making a payment to Mr C of £1,500, the council:

- backdated his priority to June 2006 (which resulted in him being offered a tenancy);
- made changes to its housing allocations systems; and
- took action to ensure that all front line staff (not just those in the homeless section) knew what advice to give to those presenting as homeless and in need.

(Case reference confidential)



F6: Homelessness

Woman fleeing domestic violence – women’s refuge – failure to maintain full allocation scheme – breach of statutory duty

The complaint

Miss J became homeless when she left her home following domestic violence from her ex-partner. She moved to the council’s area, where she had family, and found a place in a women’s refuge. She complained that the council failed to deal properly with her application for housing.

The Ombudsman’s investigation

The Ombudsman found that the council had failed to maintain a full allocation scheme since September 2002 and was therefore in breach of its statutory duty. It had been allocating accommodation on the basis of an undocumented system of ‘sub-bands’. The council accepted these were complex and difficult to understand and that it had, as a result, not been allocating accommodation in line with its published scheme.

The council failed to maintain proper records of contact with Miss J’s support workers at the women’s refuge and failed to reply to correspondence from the refuge and the Citizens Advice Bureau. The council offered Miss J temporary accommodation and subsequently discharged its duty when this was refused, although it appeared that Miss J had been advised that she would be allowed to stay at the refuge while bidding for permanent accommodation. The council also failed to advise Miss J of her statutory review rights before discharging its duty towards her. Further errors were made with Miss J’s priority, but these were later corrected.

The Ombudsman’s view

The Ombudsman said:

“In the absence of any documentation to support the verbal explanation of how the sub-bands operate, it seems unlikely that the sub-bands have been applied consistently. This raises the distinct possibility that people have not been treated equitably. But who, or even how many, it is not possible to say.”

Outcome

The Ombudsman recommended that the council should:

- withdraw the decision that it had discharged its duty to Miss J and reinstate her position as a homeless applicant when implementing its new allocations scheme;
- pay her £500 in compensation;

- make sure that in future it complies with its statutory duties by maintaining a full allocation scheme and by not introducing undocumented changes that mean it is not allocating accommodation in accordance with its published scheme;
- review its procedures, including its standard letters, for advising homeless applicants of their statutory review/appeal rights with a view to ensuring that they are advised of them at the appropriate stage; and
- take steps to ensure that records are kept of all communications with applicants and their representatives, and that written communications are responded to.

(Report 08 008 647)

F7: Homelessness

Misleading information – failure to properly assess medical need – changes to systems

The complaint

Mrs A complained about the way the council responded to her application for housing following a serious incident in her home that caused her to sell the house and apply for housing for herself and her family as homeless and in priority need.

What happened

Mrs A was buying her home under the 'right to buy' scheme. She lived there with her husband and five children. Her brother-in-law's partner murdered her brother-in-law in the house and she witnessed the immediate aftermath of the attack. Some time later she was diagnosed as suffering from post traumatic stress disorder and her psychologist advised her to consider moving from the property where the incident had taken place. Mrs A put the house on the market and applied to the council for housing.

The council took the view that she would be intentionally homeless and that she could use profit from the sale of her home to rent or purchase another. The Ombudsman was not critical of the council for coming to this conclusion. It took into account all of the relevant information when making that assessment.

However, in registering for housing, Mrs A applied for medical priority. While she was obtaining medical evidence, her case was considered by the council's management panel and she was awarded management priority. Her application for medical priority was subsequently rejected. The note made by the medical priority panel said "no priority, management priority already given". Mrs A did not exercise her right to have this decision reviewed because she was led to believe it was not possible to have medical and management priority. The Ombudsman was critical of the

council for failing to give clear information about this and for convening a medical panel that had no one medically qualified on it.

On completion of the sale of her home in June 2008, Mrs A and her family moved in with her mother-in-law where they lived in very cramped conditions. Relationships between Mrs A and the children and her mother-in-law became very strained, and at one point broke down, resulting in Mrs A paying £200 for her family to stay in a hostel. Mrs A bid for a number of council properties but was unsuccessful. She made a new application as homeless and in priority need in August 2008. This was successful and the council awarded her medical priority along with the management priority. She made a successful bid for a property in October 2008.

The outcome

The council confirmed that, had she been awarded the medical priority when she first applied, she might have been successful in her earlier bids for properties. In recognition of the effect of the failure to properly consider her application for medical priority, the council agreed to make a payment of £750 to cover the cost of the hostel, her time and trouble in making the complaint, and for the distress she suffered. It also changed its systems to ensure that the panel that considers medical priorities includes someone with adequate medical knowledge.

(Case reference confidential)



F8: Managing tenancies

Fitting new front door to block of flats – failure to consider needs of disabled residents

The complaint

Ms M suffered from multiple sclerosis. She complained that a council failed to consider the needs of people with disabilities when, in acting to try and reduce antisocial behaviour in her block of flats, it fitted a new heavy front entrance door to the block.

The Ombudsman's investigation

The Ombudsman criticised the council because it:

- delayed unreasonably in providing Ms M with an electronic means of opening the front door;
- failed to equip her with a means to open the windows in her flat as she could not grip the existing lever handles and use the key lock at the same time; and
- failed to enable her to easily open her flat door at times when she is immobile or wheelchair bound.

As a result, Ms M was caused anxiety and stress, her health suffered and her safety was put at risk.

The Ombudsman's view

The Ombudsman said:

"I consider that the council's failure to take account of the Disability Discrimination Act 1995 before considering the installation of a new communal door and entry system was maladministration. It had serious consequences for Ms M in that she struggled to open the door, and on at least one occasion had to wait outside in her wheelchair for several hours until someone came along who was able to open the door for her. Understandably, given the problems with antisocial behaviour in the area, this left her feeling vulnerable."

Outcome

The Ombudsman found maladministration causing injustice and the council agreed to:

- apologise to Ms M for the stress and inconvenience that she was caused;
- pay her £2,000 compensation; and
- review procedures and take other actions to prevent future problems.

(Report 06A16128)

F9: Managing tenancies

Elderly residents of sheltered housing scheme – failure to investigate serious allegations about bullying by warden

The complaints

Mr P and Mrs S, two residents in their sixties, were neighbours in a sheltered housing scheme owned by a council and managed by an arms length management organisation (ALMO). Mr P was also disabled. They complained that the council had failed to protect them from being bullied, harassed, intimidated, publicly humiliated and abused by the warden, and had failed to protect them from her or deal with their complaints about her.

What happened

The council did not respond properly to complaints about these issues. Some months later, council officers dealing with Mr P on indirectly related issues were so concerned about how

distressed and anxious he was that a Protection of Vulnerable Adults (POVA) alert was raised. Although the council's policy says that a POVA investigation should be completed in 15 days, meetings meandered on for over six months. During that time the council failed to get to grips with the allegations about the warden's behaviour.

These allegations included that the warden was restricting residents' use of the communal laundry to one 'slot' per week and using it for her own purposes the rest of the time. Mr P and Mrs S presented compelling evidence to the meetings of the threats and abuse that they were experiencing. This evidence included a tape-recording of threats made to Mr P by the warden's daughter. The Ombudsman's investigator described this as 'harrowing' and deeply distressing, even when heard long after the event and in a safe setting.

Bizarrely, whilst failing to deal with the very serious allegations made by Mr P and Mrs S, the council responded by:

- changing the locks on their flats;
- deploying an additional employee to ensure that they could use the communal laundry one afternoon a week;
- agreeing to pay to plumb in washing machines that Mr P and Mrs S bought for their own flats;
- giving Mr P and Mrs S a senior manager's personal mobile telephone number so they could make contact in an emergency;
- temporarily moving Mr P and Mrs S into a hotel; and
- rehousing Mr P and Mrs S.

The Ombudsman's investigation

The Ombudsman's investigation was into the way that the council dealt with Mr P and Mrs S's complaints and not into the original allegations about the warden (who could not be interviewed as she was absent from work due to illness throughout the investigation). The Ombudsman found that the council failed to:

- act in accordance with its policy on the Protection of Vulnerable Adults;
- operate its Corporate Complaints Procedure effectively;
- undertake any proper investigation of serious allegations about the behaviour of an employee; and
- act in the face of very persuasive evidence of serious problems at the sheltered scheme.

The Ombudsman's view

The Ombudsman said that the council's failures meant that the complainants suffered "harassment and fear whilst living in what should have been a supportive environment" and were forced to move away from their home town.

She added:

“Far more significant than its failure to follow its own procedures is the council’s grave substantive failure to undertake any proper investigation of serious allegations about the behaviour of an employee in a position of responsibility for vulnerable people and its inaction in the face of very persuasive evidence of serious problems at the sheltered scheme. This was maladministration with potentially very serious consequences.”

Outcome

After receiving a draft of the Ombudsman’s report, the council expressed regret about these events and instituted further internal enquiries into aspects of the case and into further complaints made by Mr P and Mrs S. It also readily accepted the Ombudsman’s recommendations for remedying the injustice caused by its maladministration, including paying £2,500 each to Mr P and Mrs S, paying their moving costs, and giving them priority for rehousing.

(Report 06C18619 and 07C14989)

F10: Regeneration

Refurbishment of council accommodation – decoration allowance failed to take into account tenant’s age and disability – failure to consider general duty to promote equality of people with disability – failure to deal with complaint properly

The complaint

Mrs M complained that the council undertook refurbishment of her 86-year-old mother’s home without making adequate provision for redecoration, taking account of her age and disability. There were also problems with the way the council dealt with her complaint, arising from confusion about whether the council or the Arms Length Management Organisation (ALMO) that managed the accommodation should respond.

What happened

Mrs M’s mother, who uses a wheelchair, lived in accommodation managed by an ALMO. The ALMO arranged for refurbishment of the properties (rewiring and installation of storage heaters) through a private finance initiative. The works were carried out by a private company. Mrs M’s mother became very anxious about the state of the property after the works had been completed. Large sections of wallpaper had been removed in all of the rooms in the house, leaving bare

plaster exposed. She was informed she would receive £185 towards the cost of redecoration. Mrs M complained that this was insufficient as Mrs M's mother lived alone and had no family nearby to help her to redecorate.

The way the complaint was dealt with

Mrs M sent her complaint to the Director of Neighbourhoods and Housing in April 2007. He sent it to the wrong ALMO. That ALMO passed it to the right ALMO without informing Mrs M who continued to chase for a response. In June Mrs M received a letter saying the complaint had been passed to the Claims and Compliance Team that was responsible for monitoring the refurbishment work. Mrs M was advised by telephone that redecoration work was not included in the contract and was the tenant's responsibility. Mrs M asked for a response from the council or ALMO about her mother's specific situation. By the end of July she had not received one and made her complaint to the Ombudsman.

What the council said

In response to the Ombudsman's enquiries, the council argued that there was no automatic right to help with redecoration because the works were refurbishment rather than repair, that the ALMOs had agreed a single rate of decoration allowance for all tenants and that the council had no power to "positively discriminate" in favour of Mrs M's mother by making additional discretionary payments.

The Ombudsman's view

The Ombudsman met senior officers and explained that under the provisions of the Disability Discrimination Act and the Disability Rights Commission's code of practice, public sector organisations had duties, not only to make reasonable adjustments for people with disabilities, but to promote equality. In her view, by implementing a blanket policy and failing to take Mrs M's mother's disability into account, the council may be failing in these duties.

The council's response

The council arranged to make good some decoration and made an additional payment to Mrs M's mother of £500 to cover the cost already incurred by her (Mrs M had arranged for some work to be done because the condition of the property was causing her mother such distress). The council also apologised for the failure to deal properly with Mrs M's complaint and agreed to undertake a fundamental review, involving all of the relevant stakeholders, of policies relating to discretionary payments to ensure they comply with duties under the Disability Discrimination Act.

(Case reference confidential)



F11: Repairs

Repeated blockages to toilet – wrong assumption that tenant was responsible – failure to liaise properly with contractor

The complaint

Dr L, a woman with a life-threatening heart condition, complained that a council failed to find out why her toilet kept blocking on a regular basis over a period of some four years since she moved into her property. Instead of correctly identifying the fault and rectifying it, the council failed to diagnose the problem, and so wrongly assumed that Dr L was responsible for blocking the toilet by repeatedly putting unsuitable objects down it, something which she consistently and strenuously denied. At one stage it also told her that she would have to pay to have the toilet unblocked should future blockages occur.

The Ombudsman's investigation

The Ombudsman found that the council:


- did not liaise properly with its contractor as to the reasons for the frequent callouts to Dr L's property;
- threatened Dr L that she would have to pay for callouts;
- kept no record, either written or digital, of the result of the CCTV surveys of drains;
- made assumptions that Dr L was the cause of the problem; and
- told Dr L that there had been no problems with the drains before she moved in, which the council later had to admit was wrong.

Outcome

The council made changes to its liaison arrangements with its contractor so that there would be regular minuted meetings where complaints were discussed and action agreed. The contractor would produce a written report and video footage of all CCTV surveys.

The Ombudsman recommended the council to pay compensation of £2,000 to Dr L, and to reimburse her for any plumber's bills she incurred when the council refused to attend to unblock her toilet, if she could provide receipts.

(Report 07A00415)



F12: Private housing grants

Man paralysed after accident – application for grant to adapt home to meet his needs – delay in taking action – inaccurate information provided

The complaint

Mr N was paralysed from the chest down after an accident. He complained about the way a council dealt with the adaptation of his home to meet his needs.

The Ombudsman's investigation

About 17 weeks before Mr N was discharged from the specialist NHS Spinal Injuries Unit where he was cared for, an NHS occupational therapist contacted the council to make the arrangements needed for him at home. The council took no substantive action for over 10 weeks and the NHS occupational therapist followed up the referral five times before Mr N was assessed by a council occupational therapist. This assessment was to start the process of arranging a disabled facilities grant (DFG).

Contrary to national advisory guidance, the council did not give Mr N accurate information about its criteria, processes or timescales for his DFG application. The council's occupational therapist told Mr N, incorrectly, that it would take 12-18 months to provide him with a ramp to get his wheelchair up the three steps to his front door. Mr N therefore arranged for friends to build him a ramp. Mr N was also told that the work to his house would take 6-12 months.

The Ombudsman's view

The Ombudsman considered that the service the council provided to Mr N fell far short of that envisaged in the Government's advisory Good Practice Guidance on Delivering Adaptations to Disabled People, and was maladministration causing Mr N injustice.

Mr N unnecessarily suffered the indignity and inconvenience of having no access to toilet and bathing facilities or separate living and sleeping accommodation for 10-14 weeks after he was discharged from hospital, and was not provided with an adequate shower chair for over six months after being discharged. He also borrowed money and used his own resources to finance the adaptations he needed, for which he was entitled to a full DFG.

Outcome

On receiving a draft of the Ombudsman's report, the council:

- apologised to Mr N;
- reimbursed the £14,340 costs he incurred in funding the adaptations work; and

- paid him £2,000 compensation in recognition of the indignity, inconvenience and distress that he experienced, and his time and trouble in pursuing his complaint.

The council also reviewed:

- its joint arrangements with the NHS for providing equipment and adaptations to people who were discharged from hospital and for providing shower chairs;
- the information it provided; and
- how its practice compared to a checklist in the national advisory guidance.

(Report 06C16349)

F13: Private housing grants

Council advertised availability of Government funds to improve homes – inadequate systems for handling the interest from the public

The complaints

Mr A, Mr B, Mrs C, Mrs D and Mrs E all enquired about grant funding to improve their homes. They complain that a council created expectations that its officers had no hope of meeting, and that it failed to explain the process properly.

The Ombudsman's investigation

The council was allocated £764,000 of Government funding to improve housing standards. An officer was appointed to develop a strategy to bring private sector housing up to the Decent Homes Standard, taking into account the new funding regime. Decent Homes Assistance would be targeted towards the private rental sector, and in particular 'vulnerable' occupiers, vulnerability being established by the receipt of benefits.

The availability of grant funding was widely advertised through a press release, public meetings and inserts with benefit cheques. The complainants received information about the availability of 'Decent Homes Grants' from the council. The information also advised that applications would be treated on a 'first come first served basis'.

The two officers available to carry out home inspections were overwhelmed with demand, and it soon became clear that the council had also underestimated the level of need in the owner-occupier sector. There were some delays in council officers carrying out inspections to identify eligible works. Properties were not visited in date order but visits were 'batched' to save officer time. Following on from the visits there were delays issuing schedules of work and

application forms. Applicants had no way of knowing that an application for a grant was incomplete until all the quotes for work were received by the council.

When officers became aware that the available funding had run out, this was not communicated to potential applicants for several months.

The Ombudsman's view

The council publicised the availability of Government funds to improve homes in a 'big bang' approach, but was then surprised by the scale of interest. The Ombudsman said:

"The council's systems for dealing with the interest generated were simply not good enough."

Outcome

The Ombudsman found maladministration causing injustice and the council agreed to:

- pay Mr A £500 in recognition of the anxiety and inconvenience he experienced and in recognition of his time and trouble in pursuing his complaint;
- pay Mr B £50 in recognition of the anxiety and inconvenience he experienced;
- pay Mrs C £2,000 for the anxiety and inconvenience she experienced through the delay in bringing her home up to standard as well as her time and trouble making her complaint;
- pay Mrs D £350 in recognition of aggravation she experienced and her time and trouble making her complaint;
- pay Mrs E £1,000 for the anxiety and delay in bringing her home up to standard and her time and trouble in making her complaint, and prioritise her application according to the 2006/07 criteria;
- review procedures and ensure that appropriate information is provided for applicants as well as guidance for officers; and
- ensure a cohesive 'Private Sector Housing Renewal Policy' is in place as soon as possible.

(Report 07B02080)

F14: Private housing grants

Application for grant to adapt home to meet needs of quadriplegic young man – 18-month delay in agreeing scheme and funding – impenetrable, insensitive and disrespectful decisions and processes

The complaint

Mr H was in his early twenties and became quadriplegic while being treated in hospital for leukaemia. He lived at home with his parents, older sister and foster brother who had special needs. He was unable to move and was dependent on his parents for 24-hour care and all his physical needs. He had difficulties with swallowing and breathing, and the traumatic experience of sudden and unexpected paralysis during hospital treatment left him emotionally vulnerable. He could sit for short periods in a wheelchair but was unable to socialise outside the home. Mr H's family complained about the way a council dealt with their application for adaptations to their home to meet the needs of their son and the foster child.

What happened

The family battled to persuade council officers of the need to:

- retain a separate dining room for the foster child's special needs;
- provide space in Mr H's room for a second bed as he was afraid of being alone during the night because of his breathing and swallowing difficulties;
- provide space in his room for his carers to move around his bed and manoeuvre his wheelchair; and
- provide space in his room for Mr H to meet his friends without his parents being present.

The Ombudsman's view

The Ombudsman said:

“The council's response and practice was appalling”

and found that it had:

- failed to provide written information and explanations about the adaptations process at an early stage;
- failed to provide a single point of contact;
- failed to respect the views of the family;
- failed to consider the needs of the foster child; and

- taken over 18 months to agree a scheme and funding for adaptations to meet Mr H's needs and those of the foster child.

As a result, Mr H was largely confined to two unsuitable rooms in his home without suitable facilities for washing or private space to talk to visiting friends, and was unable to move towards any independent living. His family was restricted in the use of their home and had no separate living area other than their dining room. They not only had to come to terms with Mr H becoming paralysed, but also had to battle against apparently impenetrable, insensitive and disrespectful decisions and processes, and had the worry of how to finance work necessary to give Mr H an appropriate quality of life.

Outcome

The Ombudsman recommended that the council should:

- pay Mr H £7,000 to reflect the unreasonable restriction on his day-to-day life, including his social contact, caused by its delay;
- pay Mr H's parents £70 per week for each week from 20 weeks after he left hospital until when the adaptations were completed, to reflect their struggle to provide care to Mr H without the necessary facilities and space;
- pay £1,000 to Mr H's father in recognition of his time and trouble in pursuing the complaint;
- apologise to Mr H and his family through a personal visit from an officer at the level of director or head of service; and
- review its practices and procedures.

(Report 07C05809)

