

DISABLED FACILITY GRANT OMBUDSMAN'S REPORT

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| Relevant Portfolio Holder | Shirley Webb |
| Portfolio Holder Consulted | Yes |
| Relevant Assistant Director | Judith Willis |
| Report Author Matthew Bough | Job Title: Strategic Housing & Business Support Manager Contact email: matthew.bough@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252 ext:3120 |
| Wards Affected | All |
| Ward Councillor(s) consulted | N/A |
| Relevant Council Priority | Housing |
| Non-Key Decision | |
| If you have any questions about this report, please contact the report author in advance of the meeting. | |

1. RECOMMENDATIONS

The Cabinet resolves RESOLVE that:-

- 1) the content of the report be noted; and**
- 2) Endorse the actions implemented in response to the recommendations of the Local Government & Social Care Ombudsman in 3.4.**

2. BACKGROUND

- 2.1 Ms X complained about the actions of both Bromsgrove District Council and Worcestershire County Council. Ms X complained the District Council delayed carrying out adaptations required to meet Y's care needs. In particular, there was poor communication, a lack of understanding of Y's needs and a failure to properly consider building regulations and fire safety.
- 2.2 Ms X approached the Council as homeless due to her current property not being suitable for the family's needs due to one of her children (Y) having significant health and learning needs. The application was subsequently approved and a duty to provide suitable housing was agreed.
- 2.3 A property through BDHT was obtained within close proximity to Ms X's support network, however the property was in need of significant void works and required adapting to meet the needs of the family.

- 2.4 It was agreed that BDHT would undertake both voids works and adaptations at the same time. Plans were drawn up to meet Y's needs, and referred to the Community Occupation Therapist (COT) service for agreement that they would meet the family's needs.
- 2.5 The plans were approved by the COT, Ms X signed the tenancy and work to complete the adaptation and voids works was started in May 2022.
- 2.6 Ms X raised concerns that the extension was not big enough to meet Y's needs now and in the future. It was agreed that the adaptations did not meet the needs of the family and officers from all relevant parties discussed the options to make alterations to the property to meet the needs.
- 2.7 Several options were considered to make the property suitable to meet the family's needs and a decision to extend the extension was agreed by all parties and Ms X. These works started in February 2024 and were completed in June 2024.
- 2.8 The guidance suggests urgent complex major adaptations should be completed within 130 working days (around six months). Given the complexities of this case and the need to secure additional funding, the Ombudsman agreed the works may have been expected to take longer.
- 2.9 The Ombudsman found that the COT and the Council failed to involve Ms X early enough in the proposals for the scheme to enable her to contribute effectively to the decision-making process and this was fault.
- 2.10 The Ombudsman considers that the adaptations took three months longer than it should have and that the Council failed to ensure Ms X fully understood what works were being undertaken to the property and garden and considers this to be fault causing injustice

3. OPERATIONAL ISSUES

- 3.1 The Ombudsman's finding that Ms X suffered injustice as a result of fault and maladministration requires that report should be presented to the local authority concerned and they must formally consider the report under Section 31(2) of the Local Government Act 1974.
- 3.2 Section 30 of the Local Government Act 1974 requires the Council to place two public notices in local newspapers and/or newspaper websites which has been undertaken in partnership with Worcestershire County Council.

- 3.3 As a result of the Ombudsman findings the following payments have been made.
- a) The District Council will apologise and pay Ms X £2,000 to acknowledge the distress and frustration caused by its delays and poor communication.
 - b) The District Council and County Council, on a 50:50 basis, will refund to Ms X the cost of her private occupational therapy and architect reports on production of a receipt/invoice. This cost is £1183.50.
 - c) The District Council and County Council will each pay Y £500 (a total of £1,000) to acknowledge the direct impact on Y of the Councils' failings.

- 3.4 As a result of the report the following actions be taken:

- a) Review procedures to ensure communication with applicants is effective, that plans are clearly explained to applicants, so they understand what adaptations they are agreeing to.

Officer have implemented a consent form for applicants to sign to confirm they are fully aware of works being undertaken and technical drawings (Appendix B).

- b) Ensure there is agreement between the Council and Worcestershire County Council as to who should be the specific point of contact for the applicant for major schemes where the adaptations are substantial.

Agreement has been made that Bromsgrove District Council as the responsible authority will undertake the role of point of contact in relation to any disabled facility works.

4. FINANCIAL IMPLICATIONS

- 4.1 The payment of compensation and refunding of the costs of the private occupational therapist and architect is £3,683.50 and has been paid.

5. LEGAL IMPLICATIONS

- 5.1 The legal implications are contained within the report.

6. OTHER - IMPLICATIONS

Relevant Council Priority

- 6.1 Housing - The actions within the report will ensure disabled facilities funding is used appropriately in meeting the housing needs of disabled occupants.

Climate Change Implications

- 6.4 There are no specific climate change implications.

Equalities and Diversity Implications

- 6.5 It is anticipated that the proposed management recommendations will ensure an improved approach to the specific needs of applicants from vulnerable groups.

7. RISK MANAGEMENT

- 7.1 Implementing the recommendations of the Ombudsman will mitigate the risk of incorrect adaptation being undertaken.

8. APPENDICES and BACKGROUND PAPERS

Appendix A – Report by the Local Government and Social Care Ombudsman
Appendix B – Consent form for works.

9. REPORT SIGN OFF

| Department | Name and Job Title | Date |
|--|---------------------------|-------------|
| Portfolio Holder | | |
| Lead Director / Assistant Director | Judith Willis | 06/12/24 |
| Financial Services | Debra Goodall | 06/12/24 |
| Legal Services | Nicola Cummings | 06/12/24 |
| Policy Team (if equalities implications apply) | N/A | |

BROMSGROVE DISTRICT COUNCIL

Cabinet

22nd January 2025

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| Climate Change Team (if climate change implications apply) | N/A | |
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