

Joint Report of the Director of Legal and Democratic Services and the Director of Neighbourhoods and Housing

Report to Executive Board

Date: 16th August 2006

Subject: Local Government Ombudsman report on adaptations to a Council house to meet the needs of the disabled tenant.

<p>Electoral Wards Affected:</p> 	<p>Specific Implications For:</p> <p>Ethnic minorities <input type="checkbox"/></p> <p>Women <input type="checkbox"/></p> <p>Disabled people <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of a recent finding of maladministration and injustice in a report issued by the Local Government Ombudsman.

2.0 BACKGROUND

2.1 Section 31(2) of the Local Government Act 1974 requires that where the Ombudsman issues a report with a finding of maladministration and injustice, the Authority will consider the report.

2.2 In relation to executive functions, this requirement is fulfilled in Leeds by reporting to the Executive Board. A copy of the Ombudsman report is attached as Appendix A.

2.3 The Ombudsman’s findings must be advertised in two newspapers and copies of the report made available for public inspection. Notices setting out the Ombudsman’s findings were placed in the Yorkshire Post and Yorkshire Evening Post on Thursday 11th May 2006 and the report was available for inspection at the Civic Hall Information centre Leeds, at Merrion House, Leeds and the Head Office of Leeds East Homes, Deacon House for three weeks from 11th May 2006

3.0 COMPLAINT SUMMARY

- 3.1** The complaint, from a disabled tenant of the Council, relates to delays in providing adaptations to his home to meet his needs as a disabled person. The following is the Ombudsman's summary of the complaint.
- 3.2** The complainant's needs were assessed in September 2002. Over three years later, he had still not had those needs met. The delay is clearly maladministration. The Council accepts that in the period between September 2002 and June 2003 the case drifted with no decision being taken, because there was no clear procedure for dealing with such adaptation cases where no agreement had been reached either between the officers involved or between those officers and the applicant. The lack of a clear written policy in such circumstances is also maladministration.

The Council's response to these comments by the Ombudsman are provided in paragraph 4.1 and 4.2.

- 3.3** Supervision of the officer dealing with the complainant's case was also inadequate which in turn was maladministration.

The Councils response to these comments by the Ombudsman are provided in paragraph 4.4.

- 3.4** Communication with the complainant was also poor and was additional maladministration. The Councils response to these comments by the Ombudsman are provided in paragraph 4.5.

- 3.5** The Ombudsman has stated that the Council has, to its credit, accepted the maladministration identified and has made some fundamental changes in its procedures and policy.

- 3.6** The complainant has also been offered alternative accommodation which meets the complainant's and his family's needs, or that facilities are otherwise provided to meet those needs.

- 3.7** The Ombudsman recommends the following:-

- a) To offer alternative accommodation to the complainant as a way of meeting his needs. The Council should now find a property which the Occupational Therapist agrees meets the needs of the complainant and his family. It should ensure that it is up to the Decent Homes Standard and is in excellent condition throughout. If this is not possible, it should ensure the POD (a temporary prefabricated extension) is fitted to the existing family home as soon as possible,. The Council should also ensure that in the meantime the upstairs bathroom is in a usable and good condition. It should then offer the complainant one of the new bungalows to be built on the site around his home. It should also

agree with the complainant and provide floor coverings and main items of furniture and fittings. The Council should fully facilitate the complainant's and his family's move, beyond that provided for by its policies. The Council should arrange for an Advocate to help Mr. Walker, and his family, through this process.

- b) The complainant has been subjected to significant delays. For the injustice caused to him, the Ombudsman recommends that the Council pay the complainant's family £5,000. This is not to reflect any personal injuries alleged to have been caused to the family by the housing conditions.
- c) The Council should recognise the strain placed upon family life and relationships and pay for a two week UK holiday during the summer 2006 school holidays for the family. This should include a payment for the family's travel. The holiday details should be agreed with the family.

4.0 DEPARTMENTAL RESPONSE

The departmental response to the Ombudsman's comments are provided below.

- 4.1 The Council accepts that in the period between September 2002 and June 2003, the case stalled with no decision being taken, due to there being a disagreement on the most appropriate form of adaptation between the officers involved and between those officers and the applicant. It is accepted that there was no clear written policy to deal with cases where such agreement cannot be reached. As part of a current review of cross tenure service provision for people with disabilities, there are proposals to establish a standing group to ensure the sharing of good practice. This group will have broad representation and will potentially act as an "Appeals Panel" to hear such cases and make recommendations. Whilst these proposals have still to be agreed, revised arrangements have been operating in the interim so that all referrals have gone initially to the local housing office for approval in principle. With effect from July 2006, all public sector housing schemes will be handled direct by the relevant ALMO, with issues of disagreement on appropriate and necessary works being resolved locally, subject to the overview of the Department through its Strategic Landlord function.
- 4.2 The adaptation required to the property was significant, ie providing a ground floor extension to the house through a built extension or the provision of a prefabricated module. Delays in meeting the complainant's needs continued over the months as plans were drawn up, planning permission was sought and tenders sought from contractors to carry out the work. Fairly late in the process in December 2004, the plan to build an extension was reviewed in light of the future of the housing stock in the area, having regard to the implications of the emerging EASEL regeneration project. The ALMO was justified in undertaking this review to ensure value for money in how resources are invested into stock with a probable limited life.
- 4.3 The Council fully accepts that the delays in adapting the complainant's home were unnecessarily lengthy, however it does not accept that the needs of the complainant were forgotten, rather that the process of meeting his needs took too long. Throughout the process, Mr. Walker has been offered a number of alternative properties in Leeds which would have met his needs, all of which have been rejected by him. The original solution was for the provision of alternative accommodation, followed by a proposal for the installation of a through floor lift. Both options were turned down by the

complainant. More recently at the end of 2005, a further offer of an adapted property around the corner from his current home was offered to the complainant and prior to that, a new build bungalow in the area. Again, these suggestions were rejected by the complainant. In June, the complainant wrote to the Ombudsman to request a move to a coastal location.

- 4.4 It is accepted that there was inadequate supervision of the case and that this would have highlighted the need to progress the case more quickly had it been in place. A system of regular monitoring of cases by senior managers in the Adaptations Agency has now been introduced.
- 4.5 The Ombudsman reported that some delays were due to the ALMO not having been able to obtain information from the Adaptations Agency. This has been looked into internally and the Council and ALMO do not accept that the circumstances in this case are as a consequence of a breakdown in relationships between officers in the Council or East Leeds ALMO.

The Departmental response to the Ombudsman's recommendations are provided below:

- 4.6 A prefabricated extension was agreed upon as the most appropriate solution and this was installed at the complainant's home in early May 06.
- 4.7 The Council is arranging for the complainant to receive £5,000 and a holiday in the UK this summer, in accordance with the Ombudsman's recommendations.

5.0 LESSONS LEARNED AND SERVICE IMPROVEMENT

- 5.1 Since the inquiry, changes in procedures/developments have been implemented which address the issues raised. These are described below.
- 5.2 Tracking arrangements for each case have been introduced in the Adaptations Agency to ensure that all schemes are routinely progressed against performance criteria and set service delivery standards and clients are kept informed of progress. Direct monitoring by a senior manager in the Agency will ensure that no one case will be allowed to drift in future. From 1 July 2006, the ALMOs will manage the full process of adaptations to Council stock and the ALMOs and the Strategic Landlord Group have been working to develop a new city wide procedure and performance framework that will adhere to the DCLG and Department of Health good practice performance targets as well as the Audit Commission CPA targets for Social Services. The framework developed by the ALMOs will encompass how customers can access and be processed for Social Services screening for an adaptation, the referral to an ALMO, the managing of the adaptation by the ALMO, and the rehousing process if the current home cannot be adapted. This framework is currently used by the ALMOs, although it will be formally launched later in the year. In addition, the Adaptations Agency is reviewing its procedures for private sector housing. The Council will ensure that the performance outcomes and high level process is the same for customers whether in the public or private sector. Finally, a Good Practice group will be established that will involve ALMOs, Strategic Landlord Group, the Adaptations Agency, Social Services and service users.

- 5.3 Details of performance standards drawn from ODPM guidance published in November 2004 are included in customer guidance which is issued to all applicants. This informs customers of what they can reasonably expect by way of assistance from the Council, as well as advice on the key stages in the procedures. Information on making complaints is also included.
- 5.4 The Adaptations Agency is now performing within ODPM performance targets on the speed of delivery of adaptations.
- 5.6 A comprehensive review of guidance, procedures and policy documentation and the introduction of a quality management system is actively in progress in the Adaptations Agency.

6.0 RECOMMENDATIONS

Members are requested to:

- 6.1 Receive and note the Ombudsman's report and findings.
- 6.2 Note that fundamental changes to procedure and policy have resulted from the complaint.
- 6.3 Approve the Council's response to the Ombudsman set out in paragraph 4 above.