

 <b>Executive</b> <b>4 February 2008</b>		<b>Agenda Item No.</b>
<b>Title</b>	Complaints Issue Raised by Standards Committee	
<b>For further information about this report please contact</b>	Graham Leach, Senior Committee Services Officer. Telephone 01926 456005 or email <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Service Area</b>	Members' Services	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Standards Committee 8 December 2008	
<b>Background Papers</b>	Complainant case files and reports	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Relevant Director	12/1/2009	Chris Elliott & Bill Hunt
Chief Executive		
CMT	16/1/2009	
Section 151 Officer		
Legal	12/1/2009	Peter Oliver
Finance	12/1/2009	Marcus Miskinis
Portfolio Holder(s)	16/1/2009 17/1/2009	Councillor Michael Doody and Councillor Mrs Grainger
<b>Consultation Undertaken</b>		
Interim Head of Housing & Property Services because at the time they were Head of Housing Strategy, the interim Head of Housing Strategy, Private Sector Housing Manager and Chair of Standards Committee.		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## **1. SUMMARY**

- 1.1 At its meeting of 1 December 2008 the Standards Committee received its half yearly report on the outcomes of complaints about this authority. It had particular concern about corporate complaint 953, investigated by the Local Government Ombudsman as 08 004 397.

## **2. RECOMMENDATION**

- 2.1 The Executive note the compensation awarded; and
- 2.2 The Executive note actions taken by the Private Sector Housing Team to ensure that this issue is not repeated and that the Standards Committee are informed of these.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 The Standards Committee have raised an issue regarding a corporate complaint and have asked the Executive to respond to their concerns.

## **4. ALTERNATIVE OPTION CONSIDERED**

- 4.1 There are no alternative options that could be considered because it is a direct request from the Standards Committee.

## **5. BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications of this report as the compensation has already been paid. Any action the Executive decide to take must be met within existing budgets along with justification for taking this action.

## **6. POLICY FRAMEWORK**

- 6.1 The report is in line with the corporate values of this Council to be community focused, open and honest, fair and equal.

## **7. BACKGROUND**

- 7.1 The outcomes of all stage 3 complaints and Local Government Ombudsman complaints are reported to the Corporate Management Team and Standards Committee for monitoring purposes. The Corporate Management Team were content with the outcomes in the report and the proposed actions.
- 7.2 The Standards Committee of this Council is responsible for monitoring corporate complaints and bringing any governance issues that it has with them to the attention of the Executive for to take action.
- 7.3 At its meeting of 1 December 2008 the Standards Committee received its half yearly report on the outcomes of complaints about this authority. It was content with the report and the outcomes in general but was concerned about the length of time involved in dealing with corporate complaint 953 which had also been investigated by the Local Government Ombudsman as ref. 08 004 397.

- 7.4 Complaint 953 was investigated during the summer of 2008 and a number of issues were found. A summary of the complaint and the outcomes are set out at Appendix 1. The total compensation agreed by the Chief Executive at stage 3 was £3525.
- 7.5 In addition to the compensation for the complainant that was agreed by the Chief Executive as an outcome of the stage 3 complaint, the Local Government Ombudsman recommended two further payments to the complainants. These were that the Council covers the 4% increase in building cost due to the delay in works starting and the Council pays the complainants architects fees. The increase in costs was agreed but the value will not be determined until the works are completed. The practice of this Council is to pay the architects fees for any Disabled Facilities Grant as long as they are reasonable, therefore these would have been paid as part of the usual practice. The costs of these was £1183.
- 7.6 With regard to the outcome of the complaint Private Sector Housing had already recognised that there was a significant problem with the service provided for Disabled Facilities Grants. For this reasons a review of the service had been undertaken with targets in place to improve the service. These targets along with workload for the whole of the Private Sector Housing Team would be closely monitored by the Divisional Environmental Health Officer Private Sector Housing to identify any problems arising and take remedial action for these as early as possible. Progress on the implementation of the review and monitoring of work loads would be reported to the Head of Housing Strategy during one to one meetings with the Divisional Environmental Health Officer Private Sector Housing.

## Stage 3

Complaint number	Complaint	Outcome	Decision date
953	<p>The Council has failed to progress an application for a Disabled Facilities Grant (DFG).</p> <p><i>Taken from complaint form to the Local Government Ombudsman (LGO), via online form dated 16 July 2007, received by WDC 11 September 2007, stating complained to Council in April 07. Although the first line says Oct 07 I believe it should read October 06.</i></p> <p>“Application started Oct 07 for adaptations to house for disabled son – to date no progress following submissions of plans. Feb 07 several broken promises – nothing done and told that there is only one resource managing this area. Nearly 11 months in to the process.”</p>	<ol style="list-style-type: none"> <li>1. The DFG grant application be granted, without consideration of the quotes supplied to this Council by the builders suggested by this authority, due to the concerns of the applicants about these builders as outlined in this report, as a gesture of goodwill and assurance;</li> <li>2. An apology from the Chief Executive be issued, to the complainants and their son, for the problems this Council has caused with the reassurance that the DFG process has been reviewed, along with the workload for the section, to ensure that a better quality of service can be provided in future and assurance that this will be monitored to ensure progress is made, whilst being mindful of the fact the department have no control on their workload;</li> <li>3. A payment of £2,000 be made to the complainants to reflect the unreasonable restriction on their (including their son's) day to day lives, distress caused by the lack of progress made, impact on the health of the family caused by the delay in progressing appropriate adaptations;</li> <li>4. Compensation of £20 be made to the son, and £15 to the complainants, for every week after the 13 March 2008 until when the case was brought back on track 30 June 2008 (15 weeks) a total of £300 for the son</li> </ol>	06/08/08

		<p>and £225 for the complainants by recompense of their loss of social interaction during this period which could have been avoided; and</p> <p>5. A payment of £1000 be made to the complainants in recognition of the time and trouble they have had pursuing the complaint and because of the exceptional circumstance which warrant the greater than normal payment. This is because of the time that the complainants took for the complaint to be registered, June to September 2007 (3 months), following the stage 2 investigation they were assured that it would be dealt with as a priority but there is no record or evidence.</p> <p><b>Proposed actions for the Private Sector Housing Team</b>  Private Sector Housing have already recognised that there was a significant problem with the service provided for Disabled Facilities Grants. For this reasons a review of the service was undertaken with targets in place to improve the service. These targets along with workload for the whole of the Private Sector Housing Team should be closely monitored by the Divisional Environmental Health Officer Private Sector Housing to identify any problems arising and take remedial action for these as early as possible.</p> <p>Progress on the implementation of the review and monitoring of work loads will be reported to the Head of Housing Strategy during one to one meetings with the Divisional Environmental Health Officer Private Sector Housing.</p>	
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### Local Government Ombudsman

Reference No.	Complaint	Decision	Decision date
08 004 397	DFG related to corporate complaint 953 particularly the delay in progressing the DFG case and complaint	<p>LGO agreed with the conclusion of the stage report that</p> <p>The DFG grant application be granted, without consideration of the quotes supplied to this Council by the builders suggested by this authority, due to the concerns of the applicants about these builders as outlined in this report, as a gesture of goodwill and assurance;</p> <p>An apology from the Chief Executive be issued, to the complainants and their son, for the problems this Council has caused with the reassurance that the DFG process has been reviewed, along with the workload for the section, to ensure that a better quality of service can be provided in future and assurance that this will be monitored to ensure progress is made, whilst being mindful of the fact the department have no control on their workload;</p> <p>A payment of £2,000 be made to the complainants to reflect the unreasonable restriction on their (including their son's) day to day lives, distress caused by the lack of progress made, impact on the health of the family caused by the delay in progressing appropriate adaptations;</p>	30/9/08

		<p>Compensation of £20 be made to the son, and £15 to the complainants, for every week after the 13 March 2008 until when the case was brought back on track 30 June 2008 (15 weeks) a total of £300 for the son and £225 for the complainants by recompense of their loss of social interaction during this period which could have been avoided; and</p> <p>A payment of £1000 be made to the complainants in recognition of the time and trouble they have had pursuing the complaint and because of the exceptional circumstance which warrant the greater than normal payment. This is because of the time that the complainants took for the complaint to be registered, June to September (3 months). Following the stage 2 investigation they were assured that it would be dealt with as a priority but there is no record or evidence.</p> <p>The LGO also asked that the complainant be paid her architects fees for the scheme if the Council considered them not to be excessive. <i>This is normal practice for all DFG applications made to WDC and was therefore agreed.</i></p> <p>In addition via the LGO it was agreed to pay the additional 4% costs incurred on both DFG and non DFG eligible works incurred due to an increase in building materials costs during this time. These figures will not be confirmed until the scheme is completed.</p>	
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