

13 March 2025

Complaint reference:
24 011 362

Complaint against:
Broxtowe Borough Council

The Ombudsman's final decision

Summary: Ms X complained about the way the Council handled her housing case and how it delayed a disabled facilities grant process to carry out adaptations at their property for her late mother. Ms X also complained about the Council's poor communication with her. There was fault by the Council for its failure to provide Ms X with information about the disabled facilities grant process which caused uncertainty to Ms X. The Council will take action to remedy the injustice caused.

The complaint

1. Ms X complained about how the Council:
 - a) handled her housing allocation process between 2018 and February 2023
 - b) delayed her late mother's (Ms Y) disabled facilities grant process for adaptations in their property in 2023
 - c) poorly communicated with her.
2. Ms X said the matter caused her significant distress and frustration.

The Ombudsman's role and powers

3. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended)
4. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
5. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

What I have and have not investigated

6. I have not investigated Ms X's complaint at point 'a' about how the Council handled her housing allocation process between 2018 and February 2023. This

complaint is late, I consider it reasonable for Ms X to have complained about the matter earlier, there is no good reason to investigate it now.

7. I have exercised discretion to investigate matters from March 2023 to September 2024 in relation to the disabled facilities grant (DFG) process. This period covers when Ms Y moved into their property and the Council received an email from her occupational therapist for DFG to when Ms X complained to the Ombudsman in September 2024. I consider the death of Ms Y is good reason for Ms X to complain to us after 12 months.

How I considered this complaint

8. I considered evidence provided by Ms X and the Council as well as relevant law, policy and guidance.
9. Ms X and the Council had an opportunity to comment on my draft decision. I considered any comments before making a final decision.

What I found

Disabled facilities grants

10. Disabled Facilities Grants (DFG) are for people with a qualifying disability who need adaptations in their home to help them remain in their home. DFGs are provided under the Housing Grants, Construction and Regeneration Act 1996.
11. The process of applying for a DFG usually requires:
 - a) **Assessment and recommendation** – usually by an occupational therapist or other qualified assessor to identify the person's needs
 - b) **Identification of works and submission of grant application** - a schedule of works setting out the adaptations to meet the identified needs and quotes for the cost of the works
 - c) **Decision on DFG application** - the council decides if the works requested are necessary, appropriate, reasonable, and practicable
 - d) **Where approved** – completion of works and payment of grant.
12. When the Council has all the necessary information, the formal grant application is complete.
13. Councils must decide a grant application within 6 months of receiving the completed application (i.e. from the end of step 'b' above). The works must be completed within 12 months of approved application.
14. DFGs are administered by a local housing authority (a unitary authority, district or borough council). The local housing authority is the decision maker.
15. In a two-tier authority, this means the county council conducts the assessment and identifies the disabled person's needs and then the district or the borough council decides the DFG application.
16. **Provisional Test of Resources (PTOR)** - will be carried out on each case, and this will decide how much grant a person is entitled to. A person may be asked to pay towards the cost of the adaptation works to the property depending on their income.
17. **Pension Credit** – is a means-tested benefit for people over the State Pension age who have a low income.

Council's DFG Policy

18. The county council occupational therapy (OT) service will make referrals to the Council (borough council) recommending work to be carried out which is necessary and appropriate to meet the needs of their client. The Council will approve grants if, amongst other things, it is satisfied that the work is reasonable and practicable to carry out.
19. Applicants for DFGs will be required to complete a statutory test of resources form (means test) to determine whether any contribution is to be paid towards the cost of works.
20. Where the statutory test of resources determines that the applicant has a contribution to make towards a grant, that contribution will be paid to the Council prior to the works commencing. The money will be retained by the Council and paid direct to the builder on satisfactory completion of scheduled works.

Key events

2023

21. Ms X, her child and her late mother (Ms Y) lived together in a three-bedroom property. They moved into the property in March.
22. Ms Y had mobility issues and Ms X was her carer.
23. In April, the Council received an email from the county council appointed occupational therapist (OT) for Ms Y. The correspondence stated the OT was in the process of confirming what adaptation works were needed to be included in Ms Y's OT referral for her DFG application. The OT also asked the Council to complete a Provisional Test of Resources (PTOR) for Ms Y to determine if she would be required to make any contributions towards the adaptation works.
24. The next day, the Council wrote to Ms Y and informed her it needed to complete a PTOR for her as requested by the OT. The Council also said if Ms Y decided to continue/apply for a DFG, then an official test of her resources would be carried out.
25. In May, the Council asked Ms X to provide it with evidence of Ms Y's Guarantee Credit Pension Credit. It said it needed the information for the DFG process to be progressed. Ms X told the Council she was unable to find the requested paperwork due to their recent house move. Ms X said she wrote to the Department for Work and Pensions (DWP) and asked it to send a copy of Ms Y's Guarantee Credit Pension Credit to their new address. DWP did not send the requested document to Ms X.
26. The Council attempted on several occasions to access the DWP records on behalf of Ms Y, so it could get her pension credit information. It was unable to access the DWP records due to the Council's officer access issues and its technical errors.
27. In September, the Council said it was able to access DWP records to verify Ms Y's Pension Credit award. The Council completed a PTOR for Ms Y, and it found Ms Y was eligible for a DFG without a means-test.
28. On 12 September, the Council sent its PTOR decision letter to Ms Y. It advised Ms Y it had also sent a copy of its decision letter to her OT, who will discuss how to proceed and arrange for a formal DFG referral to be made.
29. A few days later, Ms Y passed away.

2024

30. In April, Ms X made a formal complaint to the Council about its significant delay in progressing the DFG process to carry out adaptations at their property for Ms Y. Ms X also complained about the Council's lack of support and communication with her about the DFG process.
31. In its responses to Ms X's complaint, the Council:
- said it was unable to progress Ms Y's DFG application after it received an OT referral without the required financial information which included evidence of Ms Y's Guarantee Credit Pension Credit.
 - acknowledged the adaptation request for their property was processed over a period of five months. The Council said the delay was because Ms X was unable to provide it with the requested financial information for Ms Y in a timely manner.
 - said it made a reasonable number of contacts with Ms X and kept her updated on the DFG process between May and September 2023.
 - did not uphold Ms X's complaint.
32. Ms X remained dissatisfied with the Council's responses, and she made a complaint to the Ombudsman.

Analysis

33. The Council in this case is a borough council and before it can process a DFG application, it needs an OT report to confirm adaptations are necessary and appropriate. The responsibility to complete an OT assessment and recommendation lies with the county council which is the first stage of the DFG process.
34. The correspondence the Council received from the OT in April was not an OT referral and/or report with recommendations for adaptation works at Ms Y and Ms X's property. Therefore, as of April when the Council requested Ms Y's financial information to complete her PTOR, the DFG process had not started. So, the Council's statutory responsibility to make a decision about a DFG application had not been engaged at this point and could not have resulted in a delay to the process. This was not fault.
35. However, I criticise the Council for its use of words in its responses to Ms X's complaint. In particular when it said it received an 'OT referral'. This suggested the Council had received a formal OT referral/report and it caused confusion to Ms X in thinking the DFG process had started.
36. As regards the PTOR for Ms Y, applicants are responsible for providing the Council with their financial information to be assessed. But Ms X was unable to obtain and provide the Council with Ms Y's pension credit information. There was no fault by the Council.
37. While I note, in the Council's attempt to obtain information about the Guarantee Credit Pension Credit for Ms Y, it experienced difficulties accessing the DWP records for approximately two and a half months (June to September 2023). The Council's inability to access the DWP records were due to issues relating to its officer's access and its technical errors. However, I do not find this delay caused any significant injustice to Ms X. This is because as at the time the Council obtained Ms Y's pension credit information and completed her PTOR in September 2023, the Council had still not received the OT referral/report and a DFG application for Ms Y.

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38. There was no evidence to show the Council informed Ms X about the stages, requirements and timelines of the DFG process. This was fault and it caused Ms X uncertainty.

Action

39. To remedy the injustice caused by the faults identified, the Council has agreed to complete the following within one month of the final decision:
- apologise in writing to Ms X to acknowledge the uncertainty caused to her by the Council's failings to inform her about the disabled facilities grant process. The apology should be in accordance with our guidance, [Making an effective apology](#)
 - the Council will work with the County Council to ensure applicants and/or their representatives are provided with written information at the start of the disabled facilities grants process which explains the requirements, stages and timelines of the process.
40. The Council should provide us with evidence it has complied with the above actions.

Decision

41. I find evidence of fault by the Council leading to injustice. The Council will take action to remedy the injustice caused.

Investigator's decision on behalf of the Ombudsman