

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
London Borough of Haringey  
(Reference number: 19020651)**

**29 November 2021**

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## The Ombudsman's role

For more than 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mr X	The complainant
Mrs X	His wife
Child Y	Their son

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## Report summary

### Education & Children's Services

Mr X complained about the Council's failure to meet his disabled son's needs by taking too long to carry out adaptations to his property. He also complained about being pressurised into accepting unsuitable adaptations.

### Finding

Fault found causing injustice and recommendations made.

### Recommendations

1. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
2. In addition to this requirement, the Council should take the following action:
  - apologise in writing to Mr and Mrs X;
  - pay Mr and Mrs X £2,000. This is a symbolic payment to acknowledge the significant delay in this case. Mr and Mrs X intend to use it to fund a family holiday for the benefit of Child Y. In deciding on this amount, we considered our [Guidance on Remedies](#);
  - contact Mr and Mrs X to agree what works remain outstanding. The Council should confirm what has been agreed in writing. These agreed works should be completed within four weeks from the date COVID-19 restrictions have been lifted to the extent that Mr X is comfortable with contractors coming into the family home. The Council has confirmed discussions are taking place with Mr and Mrs X to agree a suitable way forward; and
  - reflect on the issues raised in this report. The appropriate Service Director should carry out a review and identify any areas of service improvement. The Council should prepare a short report setting out what it intends to do to ensure similar problems do not reoccur, particularly around delay and strip washing. The Council has already reported back to us in response to a draft version of this report.

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## The complaint

3. Mr X complained about the Council's failure to provide adaptations to his property for his disabled child, funded by a Disabled Facilities Grant (DFG).
4. Mr X also complained about being pressurised into accepting unsuitable adaptations.
5. He says the significant delay has left his family struggling to manage, particularly as his son gets older.

## Legal and administrative background

6. We investigate complaints about 'maladministration' and 'service failure'. In this report, we 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. We 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*)
7. 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*)
8. We investigate complaints about councils and certain other bodies. Where an individual, organisation or private company is providing services on behalf of a council, we can investigate complaints about the actions of these providers. (*Local Government Act 1974, section 25(7), as amended*)
9. When considering complaints, if there is a conflict of evidence, we make findings based on the balance of probabilities. This means that we will weigh up the available relevant evidence and base our findings on what we think was more likely to have happened.
10. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children's Services and Skills (Ofsted), we will share this decision with Ofsted.

## What we have investigated

11. The restriction outlined in paragraph five applies to this complaint because Mr X's complaint includes events that took place over a year ago. We can disapply this rule if there are good reasons. We have decided to exercise discretion to investigate earlier events for the following reasons.
  - Mr X approached the Council for support with adaptations in 2015. These adaptations remain incomplete. In the context of a severely disabled, growing child, this time frame is significantly longer than the law expects. We consider it is in the wider public interest for this delay to be investigated.
  - The earlier delay is inextricably linked to more recent events.
  - Had the adaptations been fully completed in February 2019, Mr X says he was prepared to accept the delay leading up to that point and had accepted the reasons given by the Council. But when the adaptations were not completed, Mr X's opinion about the delay changed. We consider this to be an understandable position for him to have taken.

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- We are satisfied, from the case records we have been provided with, that we are able to reach a sound, fair and meaningful decision relating to the earlier events.
  - Mr X has provided evidence that an earlier occupational therapy assessment was carried out by the NHS in 2013. This was in the context of their previous accommodation and so we do not consider it appropriate to investigate what happened before 2015.

## **How we considered this complaint**

12. We produced this report after examining relevant documents provided by the Council and speaking to the complainant.
13. The complainant and the Council were given a draft version of this report and we invited their comments. The comments received have been taken into account.

## **What we found**

### **Disability adaptations**

14. Disabled Facilities Grants (DFGs) are provided under the terms of the Housing Grants, Construction and Regeneration Act 1996 (the Act). There is also detailed guidance from 2015 that sets out good practice – Home Adaptations for Disabled People (the Guidance).
15. Additional information about good practice is contained in our Focus Report, [“Making a house a home: Local authorities and disabled adaptations”](#) (published March 2016).
16. Councils have a statutory duty to provide grant aid to disabled people for certain adaptations. The council will need to check that the proposed works are:
  - necessary and appropriate to meet the disabled person’s needs; and
  - reasonable and practicable depending on the age and condition of the property.
17. The maximum grant that can be paid in England is £30,000.
18. Once the authority has enough information to decide what adaptations are necessary and appropriate, it then has to consider whether they are feasible and practicable.
19. If a more affordable scheme provides the ‘necessary and appropriate’ adaptations and meets the needs of the rest of the household, we are unlikely to criticise a council’s decision to progress with the cheaper alternative. This is provided that the council has made the necessary considerations.
20. Councils will often consult an occupational therapist (OT) from the social services department to carry out the assessments.
21. The Act says councils should approve or refuse a grant application as soon as reasonably practicable and no later than six months after the date of the application. The works should be completed within 12 months of the approval.
22. The Guidance recommends a timescale of 55 days in urgent cases and 150 days for non-urgent cases. This timescale runs from the first contact to the completion of the works.

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23. The Guidance says that where the process to secure a long term solution will be lengthy, then it is appropriate for interim help to be provided through the provision of equipment or temporary works. It says it is not acceptable that the disabled person should be left without interim help.
  24. The Guidance says any assessment or review of need should include the views of the child and their parents. Reviews should take account of the high level of stress experienced by parents with disabled children and take account of the needs of any non-disabled children in the family.
  25. The Guidance states that “the provision of facilities for ‘strip washing’ is not an acceptable alternative to an appropriate bathroom”.

### **The Council’s policy (2017)**

26. This stated the Council’s current performance for processing major adaptations exceeded 52 weeks. The aim was to reduce this down to an average of 12 weeks by 2019/20. All applicants must be kept informed of the progress of their application by letters on receipt of the initial application, following initial assessment and final approval.
27. The Council’s OTs work in collaboration with the surveyors to decide and agree upon a scheme. The OT must determine what is necessary and appropriate for the disabled person to meet their eligible assessed needs and the surveyor must consider what is reasonable and practical given the structural, planning, and other restraints. The most modest solution is recommended, and the OT and surveyor must differentiate between the “needs” and “wants” of the service user.

### **What happened**

#### **Background information**

28. Child Y has severe disabilities, including quadriplegia, epilepsy and cerebral palsy. He requires support in all areas of daily living. He lives at home with Mr and Mrs X and his older sister.

#### **Key events**

##### **2015 – First assessment**

29. In 2015, Mr and Mrs X asked the Council to help source suitable, adapted housing. Their current home was unsuitable for Child Y and could not be adapted to meet his needs as he grew up. They needed help with moving Child Y around the house due to his inability to walk and because he was growing up and getting heavier to lift.
30. An OT carried out an assessment and determined Child Y had needs in the following areas.
  - Bath transfers.
  - Bed transfers.
  - Transfers off the floor in the lounge.
  - Stair mobility.
31. The OT recorded that Mr and Mrs X had to lift and carry Child Y up and down the stairs and lift him in and out of the bath. She acknowledged “this is becoming a concern as [Child Y] is getting heavier. [Mrs X] is reporting that she is now developing health issues of her own and is at risk of injury due to manual handling

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tasks". The OT also recorded Mrs X informing her that Child Y does not tolerate being showered due to the sensation.

32. Following this assessment, Mr X and his family were allocated and moved to a specialist housing association property. The Council's OT carried out an assessment of what adaptations were needed.
33. In October 2015, Mr and Mrs X were given the DFG application forms to complete. They did not return these to the Council until October 2016.

### **2016 – OT recommendations**

34. Upon receipt of the completed forms, in October 2016, the OT made a recommendation for the following adaptations.
- A through floor lift.
  - A ceiling track hoist system in the bathroom, bedroom, downstairs toilet and lounge.
  - Changing benches in the bathroom and downstairs toilet.

35. Shortly afterwards a surveyor was appointed by the Council to manage the adaptations and in December 2016 a schedule of works was drawn up. There was a significant backlog of cases and so no progress was made for a year.

### **2017 – case transferred to contractor**

36. In October 2017, to help address this problem, the case was transferred to a commercial contractor (the Contractor) to progress. There was further delay because of the large number of cases allocated to the Contractor by the Council.

### **2018 – DFG approval**

37. In March 2018, the DFG was approved. Mr and Mrs X were notified of this but in April 2018 asked the Council to postpone the work until further notice for personal reasons.

### **2019 – adaptations partially completed**

38. In February 2019, the adaptations were scheduled to be carried out. Because of the scale of the work, Mr and Mrs X knew that the disruption would cause Child Y considerable distress. For this reason, they arranged a caravan holiday for the week the building work was scheduled to be done.
39. Halfway through their holiday, they were advised by the Contractor that it could only complete the installation of the through floor lift. It had not been possible to install the ceiling tracking because it was "not feasible". The Council's case note states the reason as being, "because of void to ceiling and concrete slab not thick enough". It also explained the problem would not have been picked up by the survey as the thickness of the ceiling was variable. The Contractor told Mr and Mrs X it did not know about changing the benches.
40. Mr and Mrs X say they were extremely disappointed and frustrated by this, particularly after they had waited so long. They had to take leave from work and felt the Council had not considered their son's needs and the impact on the family as a whole. They say the survey was clearly inadequate, otherwise the feasibility issue would have been identified sooner.
41. In March 2019, the Contractor emailed Mr X with possible dates for the installation of the ceiling tracking over the next four weeks. The Contractor also provided details of the proposed changing benches. There are no records about

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what happened about this until six months later but the Council says the Contractor was waiting to hear back from Mr X.

42. In September 2019, the Council's adaptation surveyor (Officer M) called Mr X to chase up a date for installation of the ceiling track. He was unable to speak to Mr X about this until October 2019. Officer M explained the ceiling tracks had been custom built and needed installing as soon as possible because they could not be stored indefinitely. Mr X explained he needed to discuss new requirements.
43. Later that month Officer M went to meet Mr and Mrs X to discuss this. Mr and Mrs X say that because so much time had passed since the original assessment (it was done before they had lived in the property and properly understood what they needed and what would work best for them), they needed to revise the plan.
44. They explained Child Y enjoyed having a bath, but his size and movements made a deep bath an essential requirement. For this reason, they requested a downstairs deep bath and so no longer needed some of the ceiling track to the upstairs of the property. Officer M explained this would need to be discussed and agreed by an OT.
45. In November 2019, the OT considered this request and decided a shower trolley would do the same task, so a bath downstairs was not necessary. She also considered a review was needed because Mr and Mrs X did not want to pursue all the previous recommendations.

#### **December 2019 – the complaint**

46. In December 2019, Mr X made a formal complaint to the Council about the following matters.
  - The recommendation for a shower to be installed. This was in direct conflict with a previous OT assessment that Child Y was unable to tolerate a shower. He says this was decided without reviewing Child Y's needs, discussing it with his parents or visiting the property.
  - Being "bullied" by Officer M into accepting this unsuitable proposal as he was not given the opportunity to challenge it, particularly as it contradicted previous OT assessments. Mr X says, "it was presented as a done deal in an attempt to force me to follow a course of action that was detrimental to my son".
  - Not being given the name of the OT who made this decision.
47. The Council response to the complaint was as follows.
  - The OT's recommendation from November 2015 included a changing bench for the downstairs toilet. Following Officer M's report from his home visit in October 2019, the OT advised that the rise and fall mobile shower changing bench would do the same task, with the installation of a shower unit and would assist with "washing Child Y down as required".
  - The complaint response clarified this was not a recommendation. Rather it was an alternative method to the request for a deep bath. The Council acknowledged Child Y could not tolerate showering, but the showering unit could be used to support with strip washing and accessing water easily while Child Y was on the changing bench. The Council apologised for this not being properly communicated before.
  - The Council provided Mr X with the OT's name.



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- While the Council denied Officer M had tried to bully Mr X into accepting the shower, it agreed that Officer M should have made it clear that further discussions may be needed to consider what the OT had said. The Council apologised for this.
48. In January 2020, the OT tried to arrange a review with Mr and Mrs X. She called Mrs X to arrange this, but Mrs X refused to speak to her on her mobile because it would mean the call was not recorded. The OT tried to call back on several occasions but was unsuccessful in talking to Mrs X.
49. As she had been unable to contact Mrs X in February 2020, in March 2020 the OT's manager wrote to Mr and Mrs X, asking them to contact them to arrange a suitable time for the OT to visit to discuss her recommendations. They did not reply.
- Mrs and Mrs X have explained to us why they did not want another meeting.
- They say by this time they had become weary of the process because it had gone on so long and had caused such disruption to their lives. They were fed up with multiple appointments, dealing with the same issues, particularly as the country had been put into lockdown.
  - They say they also felt "bullied" by the OT into adaptations, such as the shower and what they considered to be an unsafe changing bench, that they say were clearly unsuitable for Child Y. They had already explained to the OT that Child Y could not have a shower because the sensation of the water on his skin was highly distressing for him. They say they had also provided details of a suitable changing bench, but this had been disregarded. They had been clear that due to Child Y's involuntary body movements, it was not safe to use a changing bench without sides like the one recommended by the OT, and the upstairs bath was no longer suitable for him.
50. In March 2020, Mrs X emailed the Council to say they wanted the remaining adaptations completed. They also brought their complaint to us.
51. In June 2020, the Council wrote to Mrs X advising that a visit was necessary to establish what was outstanding.

### **Current position**

52. Since March 2020, the family have been shielding from COVID-19 because Child Y is considered extremely clinically vulnerable. They did not want visitors to the property and were prepared to wait until the risk from COVID-19 is over for the work to be carried out. They say they would like to be in a position for the work to be agreed and so it can be completed as soon as this is possible.
53. They have told us they just want the ceiling tracks installed once lockdown restrictions have been lifted. They have said they no longer require any adaptations to the downstairs toilet because they need this space to store the large, specialist equipment needed by Child Y at home.

### **The Council's response to our enquiries**

54. Following the initial survey in October 2016, the Council explained it took a year to pass the case to the Contractor. As there was only one contractor available, there was a backlog of cases.
55. The Council say Mr and Mrs X have also contributed to the delay, because they did not return the DFG applications forms for about a year and requested

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alternative adaptations to what was originally agreed. There had also been problems contacting them.

56. The Council has explained the proposal to install strip washing facilities downstairs was only a “temporary alternative solution” while the hoists were being installed upstairs. In response, Mr X says he has never been told this before.

## **Analysis**

### **Events before February 2019**

57. The law says a decision on whether to award a DFG should be made within six months from the date of application. And adaptations should be completed within 12 months from grant approval. In this case, the DFG application was made in November 2016. This was already 12 months after the OT had made her recommendations
58. We must take into consideration the fact that Mr and Mrs X did not complete the necessary documentation between November 2015 and October 2016. No progress could be made until this had been done. We can see the Council chased this up in the interim period. For this reason, we do not hold the Council responsible for this period of delay
59. Formal grant approval was given in March 2018, 16 months after the application and over two years after Mr and Mrs X first requested assistance. The law says approval should be given within six months. This delay was fault.
60. Once funding had been approved, Mr and Mrs X have accepted that they were responsible for 11 months of delay until February 2019. This was due to their personal circumstances. We do not find the Council was at fault for this period of time. However, the length of time between the DFG application having been made and its installation meant the through floor lift took over a year longer than it should have done to install. This lengthy delay is fault, regardless of the reasons given by the Council about the problems with contractors.
61. Disappointingly, the adaptations were only partially completed. Neither the tracking nor the changing benches were installed. The Council has said the changing benches were to be installed at a later date but there are no records to support this explanation and it is contrary to Mr X’s recollection. The changing benches were included in the original specification so we would have expected to see some explanation about why they were not installed in February 2019. Mr X has said the Contractor did not know about them. On balance we are persuaded to accept Mr X’s account of what happened. If the benches were to be installed later, we would have expected to see a record of this being explained to Mr and Mrs X. Both the failure to install the changing benches when expected and the lack of any records about this are areas of fault.
62. The Council has provided evidence from the Contractor that the feasibility problem was not foreseeable and it was not possible to correct this prior to the installation date. This was a professional assessment and so we do not find there was fault in respect of the failure to install the ceiling tracking in February 2019.
63. In the event of such a long delay, particularly where a severely disabled child is involved, we would expect to see at the very least some record of contact with Mr and Mrs X, providing regular updates and advising them of the current position. The Guidance advises councils to be proactive in finding interim solutions where it is known that the major work will take time to complete.

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64. From the records we have been provided with, the Council did not do this. So for much of the time Mr and Mrs X were left not knowing what, if anything, was going to happen and when, particularly between when they completed the forms in November 2016 and the date of grant approval in March 2018. We have not seen any evidence that they were offered any interim assistance, other than a mobile hoist in 2016. There is no evidence of interim support being discussed between 2016 and 2019. This is further fault.
65. To their credit, Mr and Mrs X say they would have accepted this delay, had all of the works been carried out in February 2019. They had gone to significant trouble and expense moving out for the week to a caravan park to enable the work to be carried out without causing Child Y distress. They were understandably disappointed because they believed there had been a mistake on the part of either the Contractor or the surveyor. It is not clear from the records we have seen whose responsibility it was. For the purposes of this decision, it does not matter as the Council retains responsibility for overseeing the process.

### **Events after February 2019**

66. The records show that Council officers have made some attempts to engage with Mr and Mrs X since February 2019 to make progress with the adaptations. We acknowledge Mr and Mrs X have been reluctant to engage with the Council when it has attempted to move the case forward and this has inevitably contributed in part to the delay since February 2019. However, we do not criticise them for this. It is understandable why Mr and Mrs X have lost confidence in the Council because of the significant delays and its failure to complete the adaptations when it was meant to do so.
67. This breakdown in trust and communication has contributed to what has happened more recently.
68. Mr and Mrs X say they could not agree to the remaining adaptations going ahead because, by that time, their son's requirements had changed. This highlights the importance of adaptations taking place in a timely fashion. In February 2019, Child Y was four years older than when Mrs X and the OT agreed what was needed. It is understandable that Mr and Mrs X needed to revise their requirements, particularly around moving and handling and bathing. From the limited records the Council has been able to provide, there is no evidence of any meaningful discussions about this taking place before October 2019.
69. The records show the Contractor emailed Mr X in March 2019 with proposed dates for the completion of the outstanding work. The next recorded contact was a call from Officer M to Mr X in September 2019, chasing this up. It should not have taken so long for the Council to do so. This further delay is fault.

### **The revised recommendations – bathroom/washing facilities**

70. The Council and Mr X disagree about what was discussed and agreed about enabling Child Y to access washing and bathing facilities. The Council says the original recommendations (ceiling track and hoist to the upstairs bath) had not changed and the proposal to install a shower and bench downstairs was only a "temporary alternative solution". If this was the case, we would expect to see this reflected in the case notes. It is not.
71. Mr X told Officer M that they no longer required a hoist from the upstairs bedroom to the bathroom. They say they explained to the Council that the upstairs bath was not deep enough for Child Y now he had grown. This is not explicitly recorded by Officer M, instead he recorded, "[Mr X] is asking for a reassessment

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of [Child Y's] needs, the family want the hoist in the bedroom to be put on hold...they want a deep bath tub downstairs". It would be reasonable to assume from this that Mr X intended the downstairs bath to be the only place in the house that Child Y would access full washing facilities. He was also clearly asking for a reassessment of Child's Y's needs as he was growing up.

72. Because of this, it is entirely understandable why Mr and Mrs X were so disappointed by the OT's proposal to install a shower downstairs, particularly as strip washing is not promoted by the Guidance and Child Y had been previously assessed as being unable to tolerate showering.
73. The Council's recently stated position that the shower was only an interim measure is strongly disputed by Mr X. He says the Council never said this, and in any event, the significant extent of the adaptations required for the shower would make no sense as a temporary measure.
74. We agree with Mr X. The evidence does not support what the Council has said. There is no record of it being a temporary measure, either in the case records, complaint correspondence or the initial response to our enquiries. This was a significant point and so we would have expected to see a record of this.
75. We would also have expected to see a proper record of the Council's assessment that the upstairs bath was suitable for Child Y, as now claimed by the Council. Its unsuitability, now Child Y was several years older, was the reason why Mr X requested the change to the recommendations. Mr X specifically asked for a reassessment of need in October 2019. This did not happen. Instead, Officer M simply discussed what Mr X had said with the OT and she said the shower "would do the same task".
76. Mr and Mrs X felt they were being bullied into accepting a cheaper alternative to what their child needed. While the Council can consider more cost-effective methods to achieving an outcome, it should not have disregarded the previous assessment about showering and the preferences expressed by Child Y's parents. We would also have expected to see some consideration being given to the suitability of the upstairs bath, given that Mr X had said it was no longer so. The Council should have been able to demonstrate it had taken these factors into consideration, when making its decision. It has not been able to do so.
77. In the absence of any meaningful case notes, we have carefully considered the Council's explanation provided to Mr and Mrs X in its complaint response and later correspondence. We found this to be contradictory about this issue. In its January 2020 complaint letter, the Council explained the shower/bench, "was not a recommendation, but was an alternative method to your request". Yet in the March 2020 letter, the OT's manager asked for a meeting to discuss "the recommendations that had been made". We have also read Officer M's case note of his conversation with the OT. He recorded, "her advice as being the shower". There is no record of how this was communicated to Mr and Mrs X. However, in the absence of any evidence to the contrary, and on the balance of probabilities, we do not have any reason to doubt their recollections that they were told this was the OT's recommendation.
78. The Council seems to have accepted this in part by acknowledging in its complaint response that it was a suggestion that, "may have needed further discussion". The Council also explained, "there will always be the opportunity to discuss recommendations or alternative methods even if not explicitly said".

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79. This is where the problem lay for Mr and Mrs X. As it was not “explicitly said” that they had the opportunity to object to a shower, they were left thinking it was that or nothing. The Guidance is clear that applicants should be involved in the decision-making process. We are not satisfied they were at this point and for this reason we find the Council to be at fault.
80. The Council had already assessed and accepted Child Y’s inability to tolerate a shower. We, therefore, find the recommendation that a shower would “do the same task” failed to take account of his individual needs, regardless of whether or not an upstairs bath was available. This was further fault.
81. The records show the Council had made many attempts to contact Mr and Mrs X by both phone and letter, particularly since October 2019. While we understand Mr and Mrs X’s frustration, the reality is the adaptations could not proceed without their input because circumstances have changed since the original recommendations. For this reason, we do not hold the Council responsible for delay since October 2019.

## **Conclusions**

82. We have identified several areas of fault.
- Periods of delay between October 2016 (when Mr and Mrs X completed the DFG application forms) and February 2019, when the adaptations were partially completed.
  - Failure to evidence Mr and Mrs X were offered any meaningful interim support pending completion of the adaptations or keep them properly informed of the status of their application.
  - Further delay between February 2019 and September 2019, when the Council/Contractor failed to make any progress with the outstanding adaptations.
  - Failure to install two changing benches in February 2019 and poor record keeping about this.
  - Failure to evidence proper consideration was given to Mr and Mrs X’s request for alternative adaptations.
83. Having identified fault, we must consider if there has been injustice in this case. On the evidence we have seen, we are satisfied the whole family have suffered significant frustration, distress, inconvenience and uncertainty because of the way the Council has dealt with this matter over a prolonged period of time.
84. This case clearly demonstrates the importance of implementing OT recommendations in a timely fashion, particularly where children are involved. Failure to do so can result in the OT assessment being no longer valid or useful, as was the case here.
85. Our investigation into this complaint has been impacted by an inadequate response to our initial enquiries. The Council’s first response to our draft report introduced a significant amount of new evidence, some of which contradicted the position previously set out.

## **Recommendations**

86. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full

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Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

87. In addition to this requirement, the Council should take the following action:
- apologise in writing to Mr and Mrs X;
  - pay Mr and Mrs X £2,000. This is a symbolic payment to acknowledge the significant delay in this case. Mr and Mrs X intend to use it to fund a family holiday for the benefit of Child Y. In deciding on this amount, we considered our [Guidance on Remedies](#);
  - contact Mr and Mrs X to agree what works remain outstanding. The Council should confirm what has been agreed in writing. These agreed works should be completed within four weeks from the date COVID-19 restrictions have been lifted to the extent that Mr X is comfortable with contractors coming into the family home. The Council has confirmed discussions are taking place with Mr and Mrs X to agree a suitable way forward; and
  - reflect on the issues raised in this decision statement. The appropriate Service Director should carry out a review and identify any areas of service improvement. The Council should prepare a short report setting out what it intends to do to ensure similar problems do not reoccur, particularly around delay and strip washing. The Council has already reported back to us in response to a draft version of this report.

## Decision

88. We have found the Council to be at fault in the way it handled Mr X's request for disability adaptations. We have recommended a remedy for the injustice caused by this fault.