

15 July 2025

Complaint reference:
24 023 167

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: We will not investigate Mr X's complaint about the Council's handling of his disabled facilities grant application. This is because there is insufficient evidence of fault causing sufficient injustice to justify our involvement.

The complaint

1. Mr X complained about the Council's delay in progressing his application for a disabled facilities grant. He said the delay in carrying out works has caused considerable disruption to family life as the family have been coping with inadequate facilities and space to manage the needs of their disabled son.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure', which we call 'fault'. We must also consider whether any fault has had an adverse impact on the person making the complaint, which we call 'injustice'. We provide a free service, but must use public money carefully. We do not start or continue an investigation if we decide:
 - there is not enough evidence of fault to justify investigating, or
 - any injustice is not significant enough to justify our involvement, or(Local Government Act 1974, section 24A(6), as amended, section 34(B))
3. We investigate complaints about councils and certain other bodies. We cannot investigate the actions of bodies such as health bodies. (Local Government Act 1974, sections 25 and 34(1), as amended)

How I considered this complaint

4. I considered information provided by Mr X and the Council.
5. I considered the Ombudsman's Assessment Code.

My assessment

What happened

6. Mr X contacted the Council in November 2023 about a disabled facilities grant (DFG) to provide a loft bedroom, so his disabled son, Y, did not have to share a room with his sibling. He completed a DFG application form in January 2024.

Later that month, the Council confirmed Mr X would need to provide a housing statement of need (HSON), which confirmed Y's disability needs and the adaptations that were necessary and appropriate to meet those needs.

7. Mr X contacted the health body for an occupational therapist (OT) assessment for Y but was advised there was a waiting list. He therefore asked a private OT to carry out an assessment. In March 2024, a Council officer made a home visit to discuss the proposals with Mr X and the private OT. Later that month, the OT provided the HSON report.
8. The Council's panel, which was attended by the private OT, considered the application in early April 2024. It could not make a final decision because it needed additional information, which the private OT could not provide during the panel discussion. In May, July and September, the Council communicated with Mr X and with the private OT about the additional information needed, which was to confirm that Y's needs could not be met in another way, such as by providing a bedroom for his sibling on the ground floor.
9. In September 2024, the private OT's involvement ended, at which point they had not provided evidence to satisfy the Council the proposed works were necessary and appropriate to meet Y's needs. Mr X complained. In its complaint response, the Council accepted some delay in progressing the DFG application between September and December 2024, but explained the application could not be progressed without the evidence its panel had asked for.

My assessment

10. The DFG progressed in the way I would expect up to the panel in April 2024. At that stage, the Council explained it could not progress the DFG because it had not received evidence that Y's needs could not be met in another way. Therefore, it was not satisfied the proposed works were necessary and appropriate, which is the criteria for a DFG to proceed. It explained its position and the further evidence that would be needed for the application to progress at various points between April and September, but the additional evidence was not provided by the private OT. There is insufficient evidence of fault in this period to justify further investigation.
11. Whilst the Council accepts some delay between September and December 2024, this did not cause a sufficient injustice to justify further investigation because the Council had explained what further evidence was needed to enable it to progress the application and this was not provided in that period.
12. We cannot investigate complaints about health bodies so we cannot consider any concerns about NHS waiting times.

Final decision

13. We will not investigate Mr X's complaint because there is insufficient evidence of fault causing sufficient injustice to warrant our involvement.

Investigator's decision on behalf of the Ombudsman