Purpose of Report

Implementation of new policy for Equipment and Adaptations which will provide the framework for facilitating the provision of equipment and/or adaptations for properties of all tenure types, where
this will directly relate to improving the quality of life of a person with a disability/disabilities and their carer.

Recommendation

The new policy for Equipment and Adaptations is adopted as Council Policy as from March 2010.
1 Purpose of Report

1.1 To adopt a new policy for the provision of equipment and adaptations in Oldham.

2 Recommendation

2.1 The new policy for Equipment and Adaptations is adopted as Council Policy as from March 2010

3 Current Position

3.1 Over the last year extensive work has been done to modernise the way in which Oldham delivers equipment and adaptations to people with disabilities. We are a national pilot for The Department of Communities and Local Government (DCLG) on the transformation of the dfg programme. We are now ready to roll out the new ways of working, but before we can implement the changes a public policy document needs to be published. This report seeks approval to published the attached new policy on equipment and adaptations.

4.1 Options/Alternatives

4.1.1 Stay the same, this option is not viable as new ways of working and changes in guidance has meant the existing policy is not fit for purpose.

4.1.2 Wait for new guidance, new guidance is going to be produced by central government later this year. However given the general election this may well be delayed. To wait would mean delays in modernisation and would adversely effect provision

4.1.3 Adopt new policy, this would enable the streamlining and modernisation of the service, to meet the new demands placed on it.
4.2 **Preferred Option** to adopt new policy and publish the same.

4.3 **Consultation**
The report has been widely circulated to partner agencies, to GONW, to DCLG, to FCHO, to other providers of housing services and to Adaptations Panel. It has been circulated to AED’s affected and to practitioners involved. Comments obtained have been incorporated in the report.

5 **Financial Implications**
The new policy will enable greater financial controls of the dfg to be developed.

6 **Legal Services Comments**
None

7 **Human Resources Comments**
none

8 **Risk Assessments**
None

9 **IT Implications**
None

10 **Property Implications**
none

11 **Procurement Implications**
None

12 **Environmental and Health & Safety Implications**
None
Community Cohesion Implications [including Crime & Disorder Implications in accordance with Section 17 of the Act] and Equalities Implications

None

Forward Plan Reference

Key Decision

Background Papers

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Policy Document
Equipment & Adaptations

PUBLISHED VERSION: 01
Date: 25th MARCH 2010
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1 Statement of Intent:

1.1 Oldham Council (here on in referred to as the Council), is committed to facilitating the provision of equipment and/or adaptations for properties of all tenure types, where this will directly relate to improving the quality of life of a person with a disability/ disabilities and their carer.

1.2 To achieve this we work with First Choice Homes (FCHO), Social Registered Providers, Private Landlords, Homeowners and any other interested parties.

1.3 We will ensure that cases are dealt with as speedily, effectively and as sensitively as possible; complying with all relevant service standards.

1.4 Services can only be delivered where they are deemed necessary, appropriate, reasonable and practicable and within the resources made available.

1.5 Where individual cases fall outside this policy, full consideration will be given and discretion may be used to approve a case or refer the case to the adaptations appeals panel.

2 Introduction:

2.1 This policy sets out the Council’s provision of equipment and adaptations to people who permanently reside in Oldham and who are assessed as having a substantial and permanent disability, which has lasted or is likely to last for more than 12 months.

2.2 It sets out how the Council will deliver equipment and adaptations fulfilling its statutory responsibilities under the relevant legislation and regulations, for example:-

- The Chronically Sick and Disabled Act 1970.
- The Health Services and Public Health Act 1968.
- Children Act 1989.
- NHS and Community Care Act 1990.
- The Housing Grants Constructions and Regeneration Act 1996.
- Housing Renewal Grant Regulations 1996.
- The Health Act 1999.
- The discretionary powers under the Regulatory Reform (Housing Grants) (England Regulations 2002.
- The Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003.
2.3 There are a number of documents which have been produced, or are in the process of being produced which support this policy they will include the following:-

- General criteria for qualification for assistance.
- Prioritisation Criteria.
- Eligibility Criteria for the Provision of Equipment.
- Eligibility Criteria for the Provision of Adaptations.
- Service Standards.
- Policy for the Provision of Assistance under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.
- Hardship Criteria.
- Appeals and representation.

3 Definitions:

3.1 Disabled Person:

Whilst the statutory definition of a “disabled person,” still derives from the 1948 Act, more recently The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities.

3.2 Equipment:

A piece of equipment to help complete everyday tasks safely, such as a walking stick or a shower chair.

3.3 Adaptation:

An adaptation is a permanent fixed piece of equipment or change to your property.

3.4 Minor Adaptation:

Minor adaptations are those costing less than a £1,000 (including the cost of buying, fitting and any fees for the adaptation) and are usually simple to install for example a grab rail(s) or lever taps.

3.5 Major Adaptation:

Major adaptations cost more than a £1,000 and require structural changes to your home for example a through floor lift.

3.6 Complex Adaptation:

Complex adaptations are provided when no other options are possible. These can involve expensive or complicated building work.
3.7 **Occupational Therapist:**
An Occupational therapist is a highly trained person who is skilled in identifying the physical, psychological and social needs of people. They can work with you, your family and your carers to find ways of managing your daily living activities, mobility and your condition generally. This can take the form of advice, rehabilitation, referring you to other agencies, or helping you to obtain any specialist equipment or adaptations to your home that you might need.

3.8 **Trusted Assessor:**
A Trusted Assessor is a practitioner who is competent in performing to nationally recognised competencies and can: assess a person’s needs in relation to their daily living skills, recommend solutions (equipment/minor adaptation) and if appropriate fit equipment/adaptation.

3.9 **Approved prescriber:**
Is someone who has met the requirements of the Council and Oldham NHS Trust to prescribe specialist equipment to support service users functional needs. This person is usually an Occupational Therapist, Trusted Assessor, Assistant Practitioners, Moving and Handling Practitioners, Technical Instructors, Physiotherapists, District Nurse and Social Workers.

3.10 **Approved practitioner:**
Is someone who has met the requirements of the Council and Oldham NHS Trust to conduct assessments to determine the functional ability of a client.

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4 **Legislative provisions:**

4.1 The Council has a duty under the following legislation and powers under guidance:

4.2 The Chronically Sick and Disabled Persons act:-
- To identify the number of disabled people in its area and publish the help available to them.
- To arrange practical assistance in the home, and any works of adaptation or the provision of additional facilities designed to secure greater safety, comfort or convenience.

4.3 The Housing Grants Construction and Regeneration Act 1996:-
- Section 24 allows the Council to only approve those applications for a Disabled Facilities Grant (DFG), where the Council is satisfied that the relevant works are necessary and appropriate to meet the needs of the disabled occupant and that it is reasonable and practicable to carry out the relevant works having regard to the age and condition of the dwelling or building.
- All owner occupiers and tenants, including council tenants have a right to apply for a DFG. Section 34 of the Act requires the Council to notify the applicant for a DFG whether the application is approved or refused as soon as is reasonably practicable and in any event not later than six months after the date of the formal application.
• Section 35 requires the Council to pay a grant subject to the works being completed to their satisfaction and the receipt of suitable invoices (Section 37).

4.4 The Regulatory Reform (Housing Grants) (England and Wales) Order 2002 (RRO) introduced new powers to the Council to provide assistance to improve housing conditions, including those of disabled occupiers.

4.5 The Package of Change to Modernise the DFG Programme published in January 2008, sets out the changes the Government will implement to the DFG programme, including a timetable for the changes and ongoing areas of development. It has been published alongside Lifetime Homes, Lifetime Neighbourhoods, a National Strategy for Housing in an Aging Society, which also contains details of the changes to the DFG programme.

4.6 Working in conjunction with Communities and Local Government the Council is a pilot site for the modernisation of DFG’s. This enables the Council to be more flexible in the delivery of the DFG programme.

4.7 The Council and its partners are committed to incorporating all new national recommendations.

5 Assistance available:

5.1 The Council will make the following types of assistance available:-

• Advice and signposting.
• Assessment.
• Equipment.
• Minor Adaptation.
• Major Adaptation.
• Complex Adaptation.
• Maintenance of specialist equipment.
• Home Improvement – Home Repair Assistance.
• Proportionate grants.

5.2 Where an assessed need requires equipment only and the costs including delivery, fitting and any appropriate agent’s fees are less than £1,000, equipment will be provided with no charge via the Integrated Community Equipment Store (ICES), the retail model or direct from the manufacturer.

5.3 Where an assessed need is identified, which requires equipment where the costs including delivery, fitting and any appropriate agent’s fees exceed £1,000, this may be means tested under the Council’s DFG Programme or Fair Access to Care (FACS).

5.4 Following assessment of need, MINOR adaptations are deemed to be any adaptation or provision of equipment where the costs including delivery, fitting and any appropriate agent’s fees are less than £1,000.
5.5 Following assessment of need, MAJOR adaptations are deemed to be any adaptation or provision of equipment where the costs including delivery, fitting and any appropriate agent’s fees exceed £1,000.

5.6 Following assessment of need, COMPLEX adaptations are deemed to be any adaptation or provision of equipment where the costs including delivery, fitting and any appropriate agent’s fees are estimated to exceed £8,000 (this is a guideline costing and will be reviewed annually by the Adaptations Panel. In these circumstances a detailed and holistic assessment will take place before any decision is made.

5.7 Proportionate grants may be made available if applicable if a person with a disability/disabilities wishes to top up the grants awarded by the Council.

6 Adaptations Panel:

6.1 The adaptations panel will project manage service provision and major/complex adaptations above £8,000.

6.2 The adaptations panel will consist of the Elected Members for Adult Services & Health, Community Services and Housing and senior officers from adult social care, health, housing and Registered Social Providers as appropriate.

6.3 The adaptations panel will base their decisions on the current and future needs of the person with a disability/disabilities and how necessary, appropriate, reasonable and practicable the works are. They will consider how feasible the works are, cost effectiveness and where appropriate will identify options for suitable alternative accommodation or additional streams of funding.

6.4 Any changes to policy, criteria, staff guidance and guidance for major and complex adaptations, technical drawings for major and complex adaptations must be agreed by the adaptations panel.

7 Initial enquiries and assessment:

7.1 All people who have or may have a disability are entitled to an assessment of their needs regardless of their tenure type.

7.2 All initial enquiries for any equipment or adaptation will be referred to the Community Occupational Therapy Team (COTT) or for minor adaptations to Trusted Assessors.
7.3 The Occupational Therapist will complete an assessment of needs using the general criteria for qualification for assistance. In order to determine if equipment and/or adaptations are required and the nature of equipment and/or adaptation required to meet the identified need.

7.4 All appropriate alternatives including re-housing must be considered before a major or complex adaptation is recommended.

7.5 To ensure that resources are targeted to those people with disabilities who are in most need enquiries will be screened and subsequent referrals will be prioritised in accordance with the approved prioritisation criteria.

7.6 Equipment will be provided on recommendation from an Occupational Therapist, Physiotherapist, Trusted Assessor or other accredited and approved prescriber.

7.7 Minor adaptations requiring no structural alterations may be ordered direct by the approved prescriber.

7.8 Major adaptations will be considered by the Occupational Therapists and further expert advice maybe sought from an appropriately qualified technical person.

7.9 All complex adaptations will be referred to the Equipment & Adaptations Manager.

7.10 When determining the eligible works to be included as part of a major and complex adaptation, officers will have regard to any relevant guidance produced for that purpose.

7.11 All major and complex adaptations costing over £8,000 or otherwise unusual cases will be referred to the adaptations panel for consideration. Such applications will be referred as soon as possible in the process.

7.12 In all major and complex cases advice on the necessity, appropriateness, reasonableness, and practicability of the proposals will be sought, from appropriately qualified professionals before a decision is made. This must include assessments from health and social care practitioners.

7.13 Major and complex adaptations will not normally be approved to existing properties where the person with a disability/disabilities is seeking alternative accommodation.

7.14 Major and complex adaptations will not normally be approved where there is a reasonable prospect of relocation to a property, which is or could be more effectively adapted for the person’s needs.

8 Prioritisation:

8.1 The Council will publish prioritisation criteria.

8.2 The level of assistance provided to each level of priority will be agreed with reference to funding available.
9 Eligibility:

9.1 Irrespective of tenure type, a person with a disability/ disabilities who meets the general criteria for qualification for assessment will be eligible for equipment and adaptations costing less than £1,000. These items fall within the definition of "community equipment," and are thereby embraced by The Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003, which requires Councils to provide a service to manage the provision, free of charge.

9.2 A person with a disability/ disabilities irrespective of tenure type has a right to apply for a DFG under the terms of the Housing Grants Construction and Regeneration Act 1996.

9.3 DFGs are provided to modify a disabling environment in order to restore or enable independent living. They are not provided for repairs, or maintenance. It is expected that the property will be maintained in good order/ repair.

9.4 Oldham is a pilot site for the Government's initiative to modernise the DFG programme, as part of this pilot the Council have a simplified DFG application used for DFGs under £8,000, including an option to supplement individualised budgets.

9.5 The Council has/will be entering into agreements with Housing Associations and Registered Social Providers with regards to streamlining the provision of assistance to tenants with disabilities.

9.6 Before there is any agreement for works to commence on a complex adaptation all options including re-housing must be explored and considered.

9.7 In circumstances where the person with a disability/ disabilities is a child, whose parents are separated and the child lives for part of the time with both parents. The major/ complex adaptation is only available at the address which is the main residence of the child, which will be determined by the adaptations panel.

9.8 Where a grant has been awarded in the past for adaptations to the residence of a person with a disability/ disabilities and that person then decides to relocate, for what ever reason, to another property (adapted or un-adapted), within Oldham. Advice should be sought from an Occupational Therapist regarding the suitability of the proposed property, prior to any commitment being made to purchase the property, as funding may not be made available to suitably adapt the new property to meet the needs of the person with a disability/ disabilities.

10 Means Testing:

10.1 All adaptations will be provided by the most cost effective method that meets the requirements of the person with a disability/ disabilities. It must be necessary, appropriate reasonable and practicable and conform to relevant regulations.

10.2 Provision below £1,000 including delivery, fitting and appropriate agent’s fees will not be means tested.

10.3 Provision above £1,000 will be means tested.
10.4 Means testing does not apply in the following circumstances:-

- The adaptation is for a disabled child.
- People claiming Council Tax Benefit, Housing Benefit and Tax Credits for those on low incomes.
- Income related employment and support allowance.
- The adaptation is for a member of the armed forces, injured whilst on duty.

10.5 Working Tax Credit and Child Tax Credit are not counted as income.

11 Application:

11.1 An application for a grant can be made at any time from the point at which the person with a disability, or their nominated representative making the application identifies a property (referred to as the applicant from this point onwards) which he/she proposes to acquire. In such case the Council will note the date of the submission of the application, offering advice on the suitability of the property but will not make any decision regarding the grant until the proposed property has been purchased. Where the identified property has not been purchased within 6 months, the application will be refused.

11.2 Retrospective applications for grants will not be approved.

11.3 Applications must be made and approved by the Council prior to the commencement of any works.

11.4 Following assessment, an application for equipment and minor adaptations is normally processed by the assessor and ordered direct with the supplier or equipment provider. In some cases further technical advice is sought prior to ordering.

11.5 Following assessment if a decision is made to proceed for a major adaption over £1,000 but less than £8,000 and it requires no additional technical work, this will be ordered direct by a qualified and approved practitioner. If further technical or specialist work is required then this is sought prior to approval.

11.6 For tenants in privately rented housing, written confirmation from the Landlord that they consent to the adaptations being made, must be provided.

11.7 Following assessment if a decision is made to proceed with a major or complex adaptation over £8,000 the following process applies:-

- The initial scope is agreed by the assessor and the applicant and an initial proposal developed, together with an initial estimate of any contributions the applicant may have to make.
- Initial technical views are sought from the Equipment and Adaptation team surveyors.
- The file is sent to the adaptations panel for initial consideration.
- The adaptations panel will make an initial decision based on whether the relevant works are necessary and appropriate to meet the person with a disability’s disabilities needs; and that the works are reasonable and practical in relation to the age and condition of the
property. The application may be declined, referred for further work or “in principle” agreed to proceed further.

- If the panel “in principle” agree further health and social care assessments are arranged and proposals developed into a firm recommendation based on an holistic assessment of the person with a disability/ disabilities health, social care, carers and housing needs. Builders’ estimates are then obtained and the formal DFG application form completed.

- The file returns to the adaptations panel to be reviewed and for a final decision to be made. At this point the documents are scrutinised and any work not within criteria will be excluded and will need to be financed by the applicant. The conditions concerning necessary, appropriate, reasonable and practical will be evaluated before a final decision is made.

- If approved, no changes can be made to the original specification without written approval from the Council.

12 Approval:

12.1 Upon receipt of a formal application there is a 6 month time limit for the Council to make a decision. The start date of the 6 month time limit starts from the date the formal application is registered with the Council.

12.2 No work shall commence until relevant works have been agreed and approved by the Council in writing.

12.3 For tenants in privately rented housing, consideration will be given to length and security of tenancy before a major/ complex adaptation costing over £8,000 is approved.

12.5 A major/ complex adaptation costing over £8,000 will only be approved if it is evidenced that:

- The relevant works are necessary and appropriate to meet the person with a disability/ disabilities needs

and

- The works are reasonable and practical in relation to the age and condition of the property.

12.6 If a property is unfit for human habitation, overcrowded, or the proposals will not meet Building Regulations the Council will take this into account in deciding whether works are reasonable and practical.

12.7 If it is decided that a person with a disability/ disabilities home is not suitable for adaptation, a relocation grant to help towards the cost of moving house may be made available.

13 Completion of Works:

13.1 Once a major/ complex adaptation costing over £8,000 has been approved it should take no more than 12 months from the date of the approval for the work to be completed by one of the
contractors that originally gave a quote for the work. The grant will be paid when the work is completed according to grant approval and to the standard set out by the Council.

13.2 Council surveyors will check the adaptation for compliance with building regulations. It is only upon completion of satisfactory checks that payment will be released.

13.3 It is important that applicants themselves review and confirm that they are satisfied with the standard of the builder’s completed work. A signed document from the applicant will be required stating this before any monies are released.

13.4 If the applicant is not happy with the standard of work of the builder it is their responsibility to inform the Council so that payment can be withheld.

14 Payment of grant:

14.1 The Council shall pay the approved grant either:-

- In whole after the completion of the eligible works.
- In part by instalments as the works progress and the balance after the completion of the works.

14.2 Payments can be delayed by the Council, but not longer than 12 months after the approval of the grant if the work has been completed.

14.3 If the work has not been completed after 13 months, payments may be delayed until the work is finished.

14.4 In exceptional circumstances, the Council may choose to delay payment (if for example a large number of grants have been approved and the resources are not available), but the applicant will be informed of this when the grant is approved.

15 Conditions of the provision of grants:

15.1 Where a disability/ disabilities has been caused to a person, which has resulted in the need for the adaptation and a legal claim for damages is being pursued. The Council expects the cost of works to premises to which the grant relates, to be included in the claim and reimbursed to the Council upon receipt of the settlement as allowed by Section 51 of The Housing grants Construction and Regeneration Act 1996.

15.2 If the person with a disability/ disabilities, who has previously been awarded a grant to adapt the property they reside in, decides that they wish to move to another property within the Oldham area. It should not be assumed that a grant will be awarded for the new property. Advice should be sort from an Occupational Therapist to the suitability of the proposed new property prior to any commitment being made to purchase, as funding may not be made available to suitably adapt the property to meet the needs of the person with a disability/ disabilities.
Agreement should be sought and approval obtained from the Council in writing before any move takes place.

15.3 Where the cost of an adaptation made to an owner occupier property exceeds £5,000 the Council will place a charge on that property and should the property be sold within 10 years monies will be recovered.

16 Use of previously adapted homes:

16.1 A register of previously adapted homes will be maintained.

16.2 This register will be used to match a person with a disability/disabilities, who has made enquiries for the provision of an adaptation, with an appropriate vacant adapted property

17 Recycling of equipment:

17.1 Wherever possible the Council will reclaim any specialist equipment provided should it no longer be required and make every effort to use it for future adaptations, as allowed by Section 52 of The Housing Grants Construction and Regeneration Act 1996,

18 Use of innovative technology/pod construction:

18.1 Where the Adaptations Panel are of the view that the use of pod construction or any other innovative technology is appropriate to meet the needs of a person with a disability/disabilities and/or may present significant savings or service improvements these options will be the methods by which the Council will discharge its duty.
19 Successive applications:

19.1 Major and complex adaptations are provided at the permanent address of the applicant (person with a disability/ disabilities). All requests for further major or complex grants will be referred to the Adaptations panel for consideration before any application will be considered.

19.2 Where a person with a disability/ disabilities condition(s) is degenerative, further adaptations to their home to cater for their deteriorating condition may become necessary at a later date; these will be determined on exceptional individual merit.

20 Ownership and maintenance:

20.1 For equipment and minor adaptations it is the responsibility of the applicant to provide reasonable care of and to ensure maintenance of equipment/ adaptation.

20.2 The normal guarantees are direct with the builders or appliance providers. Any issues will need to be raised direct by the applicant with the builder or supplier concerned. Following the expiry of guarantees it is the applicants or their Landlords sole responsibility for all repairs, maintenance or replacement outside of the guarantee period.

20.3 For electro and mechanical devices for example stair lifts and hoists, the Council has a maintenance agreement direct with the suppliers. It is a requirement that access is allowed by the applicant to these service engineers on an annual basis. Currently the Council provides this service this may in future be reviewed.

21 Compliments and complaints:

21.1 Compliments and complaints will be recorded and responded to as per the requirements of the Council’s appropriate Complaints and Representations Policy.

21.2 Information obtained from compliments and complaints will be used to improve services provided.

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This policy comes in to effect on the 26th March 2010 and will be reviewed by the adaptations panel within 12 months and reported to Council as appropriate.