

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

**Investigation into a complaint against
London Borough of Hillingdon
(reference number: 17 016 682)**

05 April 2019

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

Ms X	The complainant
Officer 1	Benefits Officer
Officer 2	Appeals and Complaints Officer
Officer 3	Complaints and Enquiries Officer
Officer 4	Benefits Officer

Report summary

Housing Benefit

Ms X complains the Council did not make reasonable adjustments for her disability. She says the Council did not act on information she gave, did not provide information she asked for and did not deal properly with her review request.

Finding

Fault causing injustice and recommendations made.

Recommendations

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*)

In addition to the requirement set out above the Council has agreed to:

- apologise to Ms X for not considering and providing what reasonable adjustments she needed, not dealing with information she provided, not dealing properly with her appeal, failing to deal with a request for a statement of reasons, not providing information she asked for, and asking her repeatedly for information she did not need to provide;
- pay Ms X £1,000 for the distress, time and trouble these faults caused her;
- put details of its policy for using the Restricted Persons Register on its website and put its policy for dealing with unreasonably persistent complainants on its complaints page; and
- provide an equality refresher course for all frontline staff. It has already discussed equalities at a Housing Benefit Manager's meeting and given staff more information about recording needs including preferred method of contact.

We welcome the Council's constructive response in agreeing to our recommendations, both to remedy the personal injustice and taking positive action to avoid recurrence of similar issues.

The complaint

1. The complainant, whom we will call Ms X, complains the Council:
 - failed to make reasonable adjustments for her disability;
 - failed to act on information she gave it;
 - unreasonably asked her to repay £1,000 Housing Benefit because of a Council mistake;
 - failed at first to tell her about a right of appeal;
 - did not provide information she asked for; and
 - has not reviewed its decision she must repay the overpayment although she has asked the Council to do this.

Legal and administrative background

2. We cannot investigate a complaint if someone has appealed to a tribunal. (*Local Government Act 1974, section 26(6), as amended*)
3. The Social Entitlement Chamber (also known as the Social Security Appeal Tribunal) is a tribunal that considers housing benefit appeals
4. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c), as amended*)
5. 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*)

Housing Benefit overpayments

6. A council assesses and awards claims for Housing Benefit.
7. If a council decides it has paid too much Housing Benefit which the claimant should repay, it must tell the claimant the following:
 - why there is an overpayment;
 - the overpayment is legally recoverable;
 - how much the overpayment is;
 - how the council calculated this;
 - which benefit weeks the overpayment occurred in;
 - the claimant’s right to ask for a statement of reasons and appeal rights.
8. If a claimant asks for a statement of reasons the council should provide this within 14 days or as soon as possible after this.

Housing Benefit appeals

9. If the claimant disputes the decision, they should do this within one month of the date of the decision. If the claimant asks for a statement of reasons, they should appeal within 14 days of the date of the statement of reasons. They can ask the council to reconsider or say they want to go straight to appeal.
10. The Council's decision letters tell claimants they can ask for an explanation but does not say the claimant must sign the request.
11. If the claimant asks the council to reconsider it will send a new notice with its decision following its reconsideration. Whether it changes its decision or not, it must tell the claimant they have a fresh right of appeal within one month to the First Tier Tribunal.
12. If the claimant asks to go straight to appeal the council will still reconsider its decision before passing the appeal to the Tribunal. If it changes its decision it will send a new notice with a fresh right of appeal. If it does not change its decision it will send the appeal directly to the Tribunal without the need for the claimant to submit a new appeal.

Housing Benefit evidence and information

13. A council can ask a claimant for evidence and information it reasonably requires. The claimant should provide this within one month or a longer period specified by the council.

Housing Benefit personal allowance

14. A council assesses a claimants' Housing Benefit using a set amount the Government says someone needs to live on; the personal allowance. The personal allowance for single people increases with age.

The Equality Act 2010

15. The Act applies to any organisation that carries out a public function. It aims to ensure that a disabled person can use a service as close as it is reasonably possible to the standard usually offered to non-disabled people.
16. The duty is 'anticipatory'. This means the public body cannot wait until a disabled person wants to use its services, but must think in advance about what disabled people might reasonably need.
17. When the duty arises, the public body is under a positive and proactive duty to look at removing or preventing obstacles to a disabled person accessing its services. If the adjustments are reasonable it must make them.
18. If a disabled person has a "substantial disadvantage" compared to a non-disabled person, the public body must consider the following:
 - changing the way it does things;
 - if it can remove barriers created by the physical features of a building, if the building is open to the public or a section of the public;
 - if it can provide extra aids and services to help the disabled person access the service.

The Autism Act 2009

19. As well as the Equality Act the Council has duties under the Autism Act 2009, the Autism Strategy and statutory Government Guidance. The most recent guidance says:

6.1 For many people with autism, mainstream public services can be hard to access. This can be due to a lack of understanding of autism among staff in those services but there are other contributory factors.

6.2 People with autism can have a number of sensory differences affecting all five senses that can impact on their lives in a number of ways including communication, socialising and living independently: for example they can be hypersensitive to light, smell, touch and noise; they can have significant difficulties with communication and can struggle with verbal or written language, for example instructions in forms or standard letters.

6.3 Under the Equality Act 2010, all public sector organisations, including employers and providers of services, are required to make reasonable adjustments to services with the aim of ensuring they are accessible to disabled people, including people with autism. People with autism have a right to access mainstream services just like anyone else. There are other relevant duties that local authorities, NHS bodies and Foundation Trusts are under, as set out below, which should have a positive impact on the access which people with autism have to health and social care services. This is, at its core, about equal rights.

6.4 Without reasonable adjustments many services can be inaccessible for adults with autism. Putting in place reasonable adjustments can ensure that adults with autism are able to benefit fully from mainstream public services to live independently and healthily. For clarification, the reasonableness or otherwise of an adjustment depends on the consideration of how effective the change will be in assisting disabled people in general or a particular service user, whether it can actually be done, its cost, and the organisation's resources and size. (Statutory guidance for Local Authorities and NHS organisations to support implementation of the Adult Autism Strategy March 2015)

20. A council should have its own autism strategy. The Council said it does not have any specific policies on disability as it treats people on a case by case basis. However, the Council recently introduced a Health and Well Being Strategy 2018-2021. Its website says by January 2019 it will have a full operational delivery (for) the strategy for adults and children with autism.

The Council Restricted Persons Register

21. The Council's Occupational Health and Safety services keeps a list of members of the public who may become violent or abusive. This can be accessed by Officers and Members when carrying out their duties. The Council's public website has no further information about the Restricted Persons Register or policy for placing people on the register.
22. The Council's Corporate Complaints Policy says: "*If we consider that a complainant is unreasonable or unreasonably persistent, we will refer the matter to a senior manager, who will consider whether further investigation of the complaint will be carried out.*"

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23. The Council's policy for dealing with unreasonable or unreasonably persistent complainants is not on the complaints pages of its website. The policy is contained in an appendix to the Cabinet report for October 2015 when it adopted the policy. To find the policy on the website a user needs to open the Cabinet report.

How we considered this complaint

24. We considered information from Ms X and discussed the complaint with her. We considered the Council's comments and documents. We sent a draft decision to Ms X and the Council and proposed completing our investigation if the Council agreed with our findings and recommended remedy. The Council did not agree with our findings at that time.
25. Ms X could make a claim in the County Court for damages for an alleged breach of the Equality Act. We have exercised discretion to consider this complaint. We do not consider it reasonable to expect Ms X to do this. The alleged breach of the Act is so entwined with a complaint about the Council's administrative actions it is not reasonable to expect Ms X to complain to us and make a claim to the Court.
26. Ms X and the Council had the opportunity to comment on a confidential draft of this report. We considered their comments before we finalised the report.

What we found

27. In April 2017 Ms X applied for Housing Benefit. She told the Council she had low mood, depression and struggled to fill in forms. Ms X did not qualify for Housing Benefit.
28. In May 2017 Ms X applied again. She went to the Council's offices and filled in a Housing Benefit claim form and told the Council she has dyslexia and struggled with forms. She also said she suffered from stress. Ms X was on sick leave from work following an assault. Ms X says she told Officer 1, a benefits officer, due to her disability she needed communication by email.
29. On 24 September Ms X emailed Officer 1 to say she had just started a phased return to work and knew that would affect her Housing Benefit. She said she would send Officer 1 her payslip when she received it.
30. On 30 September Ms X emailed Officer 1 with her September payslip. She asked if she was still entitled to Housing Benefit.
31. The Council did not reply to either email.
32. In response to us, the Council said it did not have Ms X's emails of 24 and 30 September. It then found the email of 24 September.
33. On 15 November 2017 Ms X emailed Officer 1 to say she had returned to full time work and the Council should cancel her Housing Benefit. Ms X told the Council she had Post Traumatic Stress Disorder. The Council did not suspend the claim.
34. On 22 November Officer 1 sent a letter to Ms X asking the date she had returned to work. Officer 1 used a standard template but did not fill in all the information fields. She did not give a date by which Ms X should respond. The letter said if Ms X did not supply the information this could result in the Council cancelling or reducing her claim

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35. On 11 January 2018 the Council wrote to Ms X saying it had paid her too much Housing Benefit from 2 October 2017 to 7 January 2018. It said it had found out on 20 December 2017 that Ms X's income had increased. It wanted Ms X to pay it nearly £1,000 and would send her an invoice for this. The letter did not say how the Council had calculated the overpayment. The letter did not contain Ms X's appeal rights or right to ask for a statement of reasons.
 36. On 12 January 2018 the Council sent Ms X a letter explaining how it had calculated the overpayment and her review rights. Ms X did not receive this until after 16 January.
 37. On 13 January Ms X asked Officer 1 if the letter of 11 January was an error as she told her she had returned to work.
 38. On 16 January Ms X emailed the general Housing Benefit address. She wanted to know why the Council had not stopped payments, how it worked out she owed so much and a full breakdown of the overpayment.
 39. Officer 1 replied the same day saying the Council received information from HM Revenue and Customs (HMRC) on 20 December 2017 that Ms X's income increased on 1 October. Officer 1 said before that the Council had assessed her benefit using Ms X's September 2017 payslip. Officer 1 said based on Ms X's October 2017 to December 2017 payslips Ms X did not qualify for Housing Benefit.
 40. Ms X emailed Officer 1 and explained why she considered the Council at fault. She asked Officer 1 to accept this. If she did, Ms X was willing to repay the overpayment from October and November. She said the stress of dealing with this meant she was considering giving up work.
 41. Ms X made a formal complaint. She said the Council had not answered her questions or made any reference to her telling the Council she had returned to work and asking it to cancel the claim. She said the Council had only reworded the letter of 11 January. She complained the Council's mistakes had put her into debt and it had given her, a vulnerable person, no help with the claim. She said she should not have to pay the £1,000 because the Council made an error. She was willing to pay back any overpayment in October and November 2017.
 42. On 19 January Ms X emailed Officer 1 and said she had told the Council when she returned to work part time and then full time. She said "*as a vulnerable person, I did not have of my questions answered or any support given to help make the claims process easier*". She said the Council's "incompetence" would put her into debt and ruin her credit score.
 43. On 23 January Ms X emailed Officer 1 and the Complaints Department. She said the Housing Benefit Department had agreed to communicate by email because of her disabilities but had not communicated with her at all. She said the Housing Benefit Department had not acted when she sent information. In another email the same day she said she did not find it easy to use a phone.
 44. On 26 January Ms X contacted the Council as she had not had a response to her complaint. She said she told the Council of her phased return to work and then that she had returned full time. She said "*I should not have to suffer additional financial hardship and stress on top of my disability because your officer is incompetent.*"

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45. The Council sent Ms X a copy of its complaint response dated 22 January from Officer 2, a Complaints and Appeals Officer. He apologised because the Council had not suspended Ms X's Housing Benefit claim in November. He said the Council found out from HMRC that Ms X's income had increased and Ms X no longer qualified for Housing Benefit. He said although the Council had made a mistake it could still ask Ms X for the money because she should have realised it had paid her too much Housing Benefit. He quoted the Housing Benefit Regulations.
 46. Officer 2 said Ms X had asked the Council to reconsider, but what she had said was not enough for the Council to review her claim. He said if Ms X provided her payslips from October 2017 to January 2018 he could look at her claim again. He said the Council could not look at her claim again unless she provided the payslips.
 47. Ms X was not happy with the response and contacted the Complaints Department. She said the Council had not explained why she had to repay the money when it caused the problem. She said she could not afford £1,000 and wanted the Council to reduce this amount because of its errors. She said the Council was going after someone it knew had complex needs. Officer 3, a Complaints and Enquiries Officer responded. She said unless Ms X showed her income was less than used in the assessment she had to pay the full overpayment. Officer 3 suggested Ms X filled in an income and expenditure form to see if Housing Benefit would accept repayment by instalments. Officer 3 invited Ms X to telephone her. Ms X emailed back to say the Housing Benefit Department had not responded to her. No-one had explained why the payments increased in November and no-one had provided the Council's appeals and disability policies. The Complaints Department said Ms X could seek external advice or complain to us. It said it would not reply to her further unless she asked something it had not already answered.
 48. Ms X also emailed the Housing Benefit general email address asking for an email response in plain English. She said the Council's letters always told her to telephone. She said as an autistic person she did not find it easy to use a phone. She said she told the Council about her disabilities when she made the claim. She said the Housing Benefit Department still had not responded to her emails. She did not think the Council could claim back the money it paid after November as she told it to cancel her claim.
 49. On 28 January Ms X said the Council had still not explained why she was liable for payments it made after November. She said it had not explained how it had considered her circumstances and if it should reduce the debt. She said her recent pay slips did not concern the Council as she had told it to end her claim. She said the Council was going after someone with complex needs. She wanted the Housing Benefit Department to reply to her.
 50. Officer 2 replied the Council could do nothing unless Ms X provided her payslips so it could check if the information from HMRC was correct. He said Ms X could appeal against the Council recovering the overpayment. Officer 2 said the Council would only respond if Ms X made an appeal or provided her payslips. He said the Council had responded to her other questions. Ms X replied that nobody had told her she could appeal. Ms X asked for the Council's appeals policy, overpayments policy and disabilities policy. She said the Council had "*a horrible way of dealing with people who clearly need assistance.*"

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51. On 30 January Ms X again emailed the Housing Benefit general email to ask for the policies. She said the Council was failing in its duty of care to her by not providing appropriate guidance. Ms X sent another email to the Council's Complaints Department asking for the policies.
 52. Officer 2 responded on 31 January. He said Ms X needed to fill in an income and expenditure form if she wanted the Council to accept repayment by instalments. He said Ms X had to put the reasons for her appeal in writing and provide her payslips before he could look at her claim. He said if she wanted to appeal against the Council recovering the overpayment; then she could. Officer 2 said Ms X should not send emails to individual officers and Officer 1 was no longer dealing with her claim. He said the Council had no record of Ms X asking for email communication and had now made a note of this. He said the Council sent decisions by post. He said the Council would not contact her again about how the overpayment happened and the Council would recover the debt. He said the Council would in future only respond to an appeal from her.
 53. Ms X responded to the general Housing Benefit address that Officer 1 agreed to communicate via email because of her disability. She added she did not know what had gone into her bank account "*in part because I'm autistic and find bank things really stressful*". She said she told the Council she had special needs, struggled with telephone calls and asked for contact by email. She asked why the Council had not made a note of this. She again asked for copies of policies.
 54. On 2 February 2018 Ms X contacted the Housing Benefit's general email address. She said she had already told the Council why she wanted to appeal. It was the Council's mistake and she did not know about it. She gave her full reasons for this. She said the Council had not told her why it increased her Housing Benefit payment in November 2017 or provided the policies she had asked for.
 55. On 2 February Ms X also emailed the general Housing Benefit address, the Complaints Department and Officer 1. She said she needed the Council's policies to lodge her appeal. She said she needed them urgently because she only had a few days to appeal as was going abroad in the next few days.
 56. On 9 February Ms X emailed to say she had asked the Council to reconsider its decision many times in her emails and did not understand why it did not accept this as written notice. She again asked for the policies. Ms X said she felt she had little choice but to email named officers as all the emails from the Council were from a "do not reply" address. She felt unless she sent her emails to named officers, the Council would ignore them. She sent a copy of the email to Officer 1.
 57. Officer 2 replied on 9 February that Ms X needed to put her request in writing. He said she could not see the Council's internal policies on dealing with appeals. He said the Council did not have a single disability policy and gave the web address where Ms X could find the disability services the Council provides. He again told Ms X not to directly email officers.

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58. On 12 February Officer 2 told Ms X if she continued to email Officer 1 the Council would see this as abuse and it would put her on its Restricted Persons Register. He said then Ms X would only be able to contact certain departments in certain ways. He again said Ms X should send her payslips and needed to put her appeal in writing. Ms X replied on 15 February that if the Council did not want her to email Officer 1 it needed to give her an email address she could reply to. She said her wage was not the issue; the overpayment was the issue. She said she was out of the Country but when she returned to work she would resign as she could not cope with the stress of the payment the Council wanted from her.
 59. Ms X did not send any further emails to Officer 1.
 60. On 16 February Officer 2 said he would treat Ms X's email of 15 February as an appeal.
 61. On 20 February Ms X emailed her payslips. On 21 February she told the Council she would leave her job on 16 March and needed to make a new Housing Benefit claim. She said the Council still had not told her why it increased payments in November 2017.
 62. On 21 February Officer 2 told Ms X the Council could not increase her Housing Benefit payments from October 2017 as the information in her pay slips was the same as that provided by HMRC. He sent a decision notice saying Ms X could appeal to the Tribunal if she thought the decision was wrong.
 63. Officer 2's cover email said he would write to Ms X about her appeal on recovering the overpayment "in due course".
 64. The Council sent its submission to the Tribunal the next day without giving Ms X a decision on her appeal against recovery. The Council provided many documents to the Tribunal. However, it said Ms X did not tell it of her change in circumstances before 15 November 2017. It said Ms X caused the overpayment from 2 October to 15 November.
 65. On 21 March 2018 Ms X asked for an update and reminded the Council she had left her job and it needed to reinstate her Housing Benefit claim. She asked the Council what she needed to do and if this would be different as she was not employed now.
 66. On 9 April the Tribunal decided the appeal without a hearing. It decided the Council had overpaid Ms X Housing Benefit and it was recoverable from her.
 67. Ms X contacted the Council again on 16 and 17 April 2018 to ask what was happening. She also said that having to send emails to the "do not reply" email address made it difficult for her to communicate with the Council.
 68. On 19 April Officer 4, another Benefits Officer emailed Ms X and said he had replied to her on 27 March. He sent Ms X a copy of the email. The email says the Council sent Ms X its decision on her overpayment appeal on 21 February. It had not changed its decision and had sent it to the Tribunal. The email said Ms X needed to make a new claim via the Council's website.
 69. On 20 April Ms X told the Council she had received her appeal decision and it was unsuccessful. She asked the Council to backdate her new Housing Benefit claim to when she first told it she needed to make a new claim.
 70. The Council assessed Ms X's new claim on 24 May and backdated payment.

The Council's response to us

71. The Council says it increased Ms X's Housing Benefit in November 2017 as she reached an age where her personal allowance increased.
72. The Council says under the Housing Benefit Regulations Ms X had to reply to its letter of 22 November 2017 and she did not.
73. In January 2019 the Council said the payslip Ms X sent with her email of 30 September 2017 showed a similar wage to previous months. It said Ms X did not send it her October and November payslips showing the higher wage and this caused the overpayment.
74. The Council says it did not know before Ms X made a complaint that she preferred email correspondence and then it added this to its records. It has since said it took Ms X's needs into account as Officer 1 gave her direct email address, which is not its normal practice.
75. The Council says it is not sure what disadvantage Ms X suffered under the Equality Act. It says although she said she struggled to fill in forms she did this and reported changes of circumstances. It says she receives no disability benefits, other than sick pay. It says it told Ms X not to email named officers as this causes delays in dealing with information. It says Dyslexia and Autism are not on the list of illnesses automatically defined as a disability under the Equality Act. It says it has little or no evidence Ms X's "ailments" had a substantial or long-term adverse effect on her day-to-day activities. It says it does not have specific policies on disability but treats people on a case by case basis.
76. The Council says it did not see Ms X's email of 16 January as a request for a statement of reasons. It says the Regulations say the applicant must sign the request and Ms X had not signed it.
77. The Council says it considers Ms X's comments about Officer 1 abusive.
78. The Council has clarified that Officer 2 works for the Housing Benefit Department and so the Housing Benefit Department did respond to Ms X. It accepts the job title of Complaint and Appeals Officer could cause confusion.
79. The Council says it provides training to all on equality and diversity, including the Equality Act 2010 and reasonable adjustments.

Conclusions

80. We recognise the significant challenges faced by public service providers, including our own service, in adapting high volume business processes to reflect the needs of individuals who may require adjustments. This is a particular challenge where someone's disabilities are less immediately obvious or where adjustments require changes to standardised and automated service models. However, that is the duty that councils must meet and the needs that they must anticipate.
81. The Council failed to consider any reasonable adjustments for Ms X, although she told it many times what her problems are and how she struggled. It is not just a matter of when Ms X told it she needed communications by email. The Council never asked her how it could help her access the service. It did not respond to her request for a named contact. It said it did not have any specific disability policies. However, under the Equality Act it should have considered if it needed to make reasonable adjustments for Ms X. It should have been able to show her how it had considered her needs and what it could or could not do to help her. The

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- Council says it has no evidence Ms X's disabilities had an impact on her ability to deal with her Housing Benefit claim. This is because it never asked Ms X what help she needed and if it could and should assist her. This is fault.
82. The Council says it did make reasonable adjustments for Ms X as an Officer gave her direct email address. This indicates Ms X did tell the Council of her need for email communication. However, when Ms X contacted Officer 1 by email the Council told her not to and that she should not contact named officers. The Council gave contradictory information. This is fault.
83. The Council did not have any policies on reasonable adjustments or an autism strategy. It should have these. Without such policies officers have no guidelines on what they should do to make services accessible for people with disabilities, including hidden disabilities. The lack of such policies contributed to the Council's failure to offer assistance to Ms X. We understand the Council is now beginning to address this.
84. The Council failed to act on the information Ms X gave it in September and November 2017. The Council originally said it did not have any emails from Ms X dated September 2017. It has now found both. The Council's letter of 16 January 2018 says it has seen Ms X's payslips for September, October, November and December 2017. Ms X was correct when she told the Council she had already provided this information. As the Council did not act on the information Ms X provided she then faced a large bill. This is fault.
85. The Council says the Regulations state a claimant must provide information if the Council asks for it. It says Ms X did not reply to its letter of 22 November 2017 asking her for the date she returned to work. The Council's letter did not quote the Regulations and we do not expect a claimant to find out any requirements in the Regulations if the Council does not draw their attention to it. The Council's letter did not give Ms X a date to provide the information by. This is fault. The Council said if she did not provide the information it would cancel the claim; which is what Ms X asked it to do.
86. The Council did tell Ms X about the right of appeal. However, it put Ms X to unreasonable time and trouble when she tried to appeal. Ms X told the Council many times she wanted it to reconsider its decision she should pay back the money. The Council did not deal with this. It kept telling her to provide her payslips and it would not look at her claim again until she did this.
87. The Council says it did not treat Ms X's email of 16 January 2018 as a request for reasons because she did not sign it. The Council's decision letters say the request for a review or statement of reasons should be in writing but do not say the claimant must sign this. If the Council does not accept unsigned requests, which would include email requests, it should tell people this.
88. On 31 January 2018 the Council told Ms X she only had a month from its original decision to make an appeal. She was due to go on holiday and her difficulties in using a telephone meant she had to ask the Council for information by email. She wanted its policies to put together her appeal. The Council refused her request for its overpayment and appeal policies on 9 February, a day before the appeal deadline. We cannot see any reason the Council could not disclose its policies and procedures on appeals and overpayments to Ms X.
89. At the end of January 2018 the Council asked Ms X to put her reasons for wanting a review in writing. Although Ms X had already written what she disagreed with and why, on 2 February she sent the Council her reasons. The

Council continued to ask Ms X for her reasons and her payslips. This is fault. Ms X went to unnecessary trouble to provide the payslips, only for the Council to tell her they made no difference. The Council said it would treat Ms X's email of 15 February as an appeal, when this said less about her reasons for appealing than her other emails.

90. On 21 February 2018 the Council told Ms X it would send a decision on her request for a review of the Council's decision to recover the overpayment. The Council did not send her a decision. This is fault.
91. We cannot comment on matters that have been before a Tribunal. However, we can comment on the Council's administration of the claim and its consideration of the overpayment. The Council considered incorrect information as it overlooked the emails Ms X sent in September 2017. In January 2018 the Council said it had seen Ms X's October, November and December payslips. The Council did not send Ms X a decision on her review.
92. The Council failed to provide Ms X with the information she asked for. It did not tell her why it had increased her Housing Benefit in November 2017. It said it would only respond to Ms X about her appeals; when it had not answered all her questions.
93. The Council threatened to put Ms X on its Restricted Persons Register and restrict her access to the Council. The Council says it made this threat as it considers Ms X's comments about Officer 1 abusive. The Council has no information available on its website about how the Register works and how to appeal inclusion. This is fault. A person who the Council judges violent or abusive should know on what basis the Council had decided this and how to challenge it.
94. It is difficult to find the Council's policy on unreasonable and unreasonably persistent complainants.

Recommendations

95. 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*)
96. In addition to the requirement set out above the Council has agreed to:
 - apologise to Ms X for not considering and providing what reasonable adjustments she needed, not dealing with information she provided, not dealing properly with her appeal, failing to deal with a request for a statement of reasons, not providing information she asked for, and asking her repeatedly for information she did not need to provide;
 - pay Ms X £1,000 for the distress, time and trouble these faults caused her;
 - put details of its policies for using the Restricted Persons Register on its website and put its policy for dealing with unreasonably persistent complainants on its complaints page; and
 - provide an equality refresher course for all frontline staff. It has already discussed equalities at a Housing Benefit Manager's meeting and given staff more information about recording needs including preferred method of contact.

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97. We welcome the Council's constructive response in agreeing to our recommendations, both to remedy the personal injustice and taking positive action to avoid recurrence of similar issues.

Decision

98. The Council is at fault for how it dealt with Ms X's Housing Benefit claim, in particular its failure to consider reasonable adjustments. It caused her substantial injustice.