

30<sup>th</sup> September 2021

StrokeInformation  
XXXXXXXXXXXX  
XXXXXXX  
XXXXX  
XXXXXX

Dear Nick Clarke

**Re : Ms XXXXXXXXXXXX – Incorrect Address**

I am writing to provide you with a full response to the emails you sent on the 3<sup>rd</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 14<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> September 2021.

Although you have received replies to the issues you have raised in your emails, I thought you might find it helpful if I provided a summary in one response:

**1. Through Floor Lift.**

You have asked if the Through Floor Lift at **Correct Address** could be made operational for use by Ms X visitors and her carers. You are aware that the lift is unsuitable for Ms X and have confirmed that she does not intend to use it.

We have raised concerns if Ms X carers are unable to use the stairs, as they are funded by the Council to provide personal care, which requires a certain level of fitness and stamina. However, I can confirm that the lift belongs to Ms X, which means that the Council has no responsibility or jurisdiction over how Ms X chooses to use it. I understand that you have been in contact with **DXXXXX Lifts** who should be able to assist Ms X.

We wrote to Ms X on July 8<sup>th</sup>, following a request from her for the Council to remove the lift. An extract from the letter is below.

*“This lift, alongside other works recommended by the Occupational Therapist at the time, was provided and installed following approval of your application for a Disabled Facilities Grant. (DFG) This grant was awarded to you in two parts, namely as a mandatory disabled facilities grant to cover the first £30,000 of works in accordance with the Housing, Grants, Construction and Regeneration Act 1996 (as amended), with the balance provided as a discretionary grant in accordance with the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002. As the grants were*

*awarded to you (for specified works/equipment), any works or equipment provided and funded by these grants are owned by you.*

*The Council accepts that as a result of your changed circumstances the lift does not meet your current needs, and as a result is willing to cancel all grant conditions associated with future use/repayment of the grant monies. As the equipment/works are owned by you, though, it is your responsibility to determine what you would want to do with them.*

*As a gesture of goodwill, and accepting that you are not able to use the lift, the Council is however prepared to offer you a payment of £1,500. This payment is in excess of estimates we have been provided with by DXXXXXX to physically remove the lift and make good the aperture (replace the floor/ceiling structure), and will enable you to employ a contractor to carry out the necessary works. As the lift is owned by you, you will be free to then dispose of it or sell it as you see fit.*

*We are aware that the removal of the lift would leave you with no way of being supported to leave the property in an emergency. If the lift is removed we would like the opportunity to complete a risk assessment with you so you are aware of the pros and cons and we can put in place anything to reduce risks.”*

The offer of funding was a good will gesture to assist Ms X to remove the lift. We are unable to provide financial assistance to make the lift operational for any potential visitors.

We will also not be commenting further in relation Ms X request for the lift to be made operational, as this is her equipment and she would need to bear responsibility for its maintenance and future use.

## **2. Door alert system.**

I can confirm that the door alert system is operational. We have asked Ms X to take responsibility for replacing the batteries. This simple task can be completed by her carers. Ms X has experienced a number of issues with her door entry system, which we responded to on the 8<sup>th</sup> July. An extract is below.

*“As previously explained our only option now is to provide a fully wireless system that does all the functions you need – video, intercom and door release. However due to the complexity of issues regarding your wifi, possibly linked to the various pieces of electrical equipment and other electrical items you have in your bedroom, this has proved very challenging and beyond the Local Authority’s expertise.*

*Unfortunately, the option of an IT Specialist visiting to investigate the wifi problems is now no longer available. As we are unable to resolve your wifi connectivity issues our only other option would be for you to fit a key safe to allow health professionals / carers gain entry to support you. Please note that the model of key safe the Local Authority suggests has been endorsed by the Police service as being safe and secure.*

*I am sorry that the Council is unable to offer any further assistance to facilitate your intercom working. Carers would be able to access your property with the use of a key safe system. Please can you let XXX know if you would like information about where to purchase this equipment.”*

### **3. Why the lift was “signed off” in the first place if it was unsuitable.**

The reasons why the lift is unsuitable and the assessment and resolution process followed by the Council has been thoroughly explored and detailed in correspondence with Ms X and an investigation undertaken by the Local Government and Social Care Ombudsman. Please note that the Ombudsman found no fault in the Council’s handling of this matter.

Ms X is in possession of this information and documentation.

The Council remains very concerned that Ms X is unable to access the community or the downstairs of her property. Although it may be difficult and disruptive, the only remaining way forward is for Ms X to move to an alternative property. The Council has made offers of practical assistance and financial support to Ms X to support her if she wishes to consider rehousing rather than remaining upstairs.

### **4. Copies of all correspondence sent to Ms X regarding the lift.**

Colleagues in the Information Governance Team have advised me that this request is classed as a Subject Access Request. The link below explains Ms X rights under Data Protection legislation and how to make the request, which needs to be made by Ms X. I have also attached the relevant form, which needs to be returned to [dpa.officer@xxxxxxxxxxxxxxxxx.gov.uk](mailto:dpa.officer@xxxxxxxxxxxxxxxxx.gov.uk). If you need any further guidance, the Information Governance Team will be able to help you.

<https://www.xxxxxxxxxxxxxxxxxx.gov.uk/your-rights-data-protection/overview-data-protection>

I hope this information has been helpful to you. The other email recipients have been informed that Adult Social Care have taken the lead in providing you with a joint response.

Ms X has been informed that we are unable to enter into any further correspondence with her on matters she has already received a response to. Consequently, we will not be entering into any further correspondence with you in relation to the issues you have raised on behalf of Ms X, as they are considered exhausted under the Council’s complaints process and have also been subject to an investigation by the Local Government and Social Care Ombudsman, which found no fault.

Please note that any further correspondence you send in relation to these issues will not be acknowledged but will be reviewed and placed on file.

Yours sincerely,

XXXXX. XXXXXXXXXXXX  
Senior Service Manager  
Prevention, Wellbeing and Independence