

APPEALS PANEL NO. 1

WEDNESDAY 29 FEBRUARY 2012 AT 10:00 AM

PRESENT: Councillors Collier, Graham and Mrs Prest

1. APPOINTMENT OF CHAIRMAN

Consideration was given to the role of Chairman of Appeals Panel 1 for the remainder of the 2011/12 municipal year.

It was moved and seconded that Councillor Collier be appointed as Chairman of Appeals Panel 1 for the remainder of the 2011/12 municipal year.

RESOLVED – That Councillor Collier be appointed as Chairman of Appeals Panel 1 for the 2011/12 municipal year.

Councillor Collier thereupon took the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. COMPLAINT REGARDING REVENUES AND BENEFITS SERVICES

Consideration was given to a complaint regarding the Revenues and Benefits Service.

The Chairman introduced the Panel and outlined the purpose of and procedure to be followed at the meeting. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

The appellant introduced herself and her representative at the hearing.

The Chairman asked the appellant to summarise the complaint as clearly as possible. The appellant advised that she had provided information at the beginning of September 2011 in relation to an increase in her salary from August 2011. The Council had taken 5-6 weeks to review the appellant's claim which she believed to be unreasonable. That had led to an overpayment of Council Tax and Housing

Benefit. When the appellant queried the overpayment the claim was again reviewed and again took approximately 6 weeks which led to a further overpayment as the Officer had wrongly assumed the increase in salary was overtime. The Officer had not contacted the appellant to check whether that was the case. The appellant advised that she had provided the necessary information as soon as she was obliged to and believed that it was unfair that she was obliged to submit any changes to her circumstances as soon as they occurred but there was no timescale for the Council to assess the claim. The delay had caused stress and distress to the appellant as she had access to limited funds and had not budgeted for the overpayments.

The appellant's representative believed that there had been failures in the Council's communications with the appellant. He stated that Officers should look at people's circumstances and allow overpayments to be repaid by instalments.

The appellant stated that in the past changes in circumstances had been dealt with promptly but the timescales on the occasion in question, along with the time of year which was near Christmas, caused a lot of distress. The appellant confirmed that the only face to face contact she had had was when she actually delivered her claim forms to the Customer contact Centre. Since that time all contact had been via e-mail or letter. She believed that a face to face meeting with the Officer dealing with her claim could have resolved the issues quickly.

The Chairman asked the appellant what outcomes she would wish to see from the hearing.

The appellant replied that the overpayments were not due to any action on her part and while she appreciated that the department was short staffed something needed to be done to prevent a similar situation occurring.

The appellant's representative stated that the Council should:

- Eliminate any delay in processing information
- Look at how they communication with claimants to ensure claims were recorded accurately
- Resolve the overpayment issue.

In response to a Member's suggestion that the overpayment could be repaid over a period of time the appellant confirmed that that had been offered with respect to the Council Tax overpayments but not the Housing Benefit overpayment.

The Chairman thanked the appellant and her representative for attending the hearing and advised that a letter confirming the Panel's decision, and what steps she could take should she disagree with the decision, would be forwarded to her within 20 working days.

The appellant and her representative left the hearing.

The Panel invited the Benefits Team Leader (Assessments) and the Director of Community Engagement into the hearing.

The Benefits Team Leader advised that the Officer who had dealt with the claim was currently on sick leave but he had the information required.

A Member advised that the appellant had been distressed by what had happened and that communication with her had been mainly by e-mail or letter. He believed that if the appellant had been able to discuss the claim with an Officer it could have been resolved sooner.

The Benefits Team Leader advised that there was a process for assessing claims and confirmed that that process had been followed. He believed that the appellant should have taken her complaint to the Department of Works and Pensions if she was not happy with the manner that the claim had been assessed.

A Member was concerned that it had taken 12 weeks to assess the appellant's claim. The Benefits Team Leader advised that the appellant had submitted the information as a result of a letter from the Council which had been prompted by information from the Department of Works and Pensions. The appellant had taken some 6 weeks to respond to that letter.

The Director of Community Engagement advised that due to the numbers of claims processed the service needed to be smooth. He understood that people in such circumstances could feel isolated and misinformed.

A Member queried why it took so long to assess claims. The Benefits Team Leader advised that it took 30 days to assess a new claim and 11-15 days to assess and change of circumstances.

The Director of Community Engagement believed that the staff in the Benefits department did a good job but he wanted to be sure that a similar situation would not arise again. The Benefits Team Leader advised that if a person approached the Officers with a real concern Officers would prioritise that claim and deal with it. He confirmed that people were advised that they could come into the Customer Contact Centre and speak with one of the Officers if they wished.

A Member stated that if there was a backlog anyone submitting a claim should be advised that there may be a delay in their claim being assessed. The Benefits Team Leader stated that the focus was processing the claims as quickly as possible to avoid such situations occurring.

The Director of Community Engagement advised that as part of the shared service, all claims were handled in order, regardless of where they were submitted and in theory that should speed up assessments. He believed that such situations arose very rarely.

The Benefits Team Leader confirmed that the appellant had been offered the opportunity to repay the overpayments in instalments but the payments could not be reduced as the claim had been assessed correctly. He stated that letters advising of overpayments could be re-worded to make it clear that claimants could call into the Customer contact Centre and speak with an Officer in an attempt to resolve such issues.

The Panel thanked the Director and the Officer for their input. The Director and the Officer then left the hearing.

The Panel then considered the evidence that had been presented to them, prior to and during the hearings and made the following decision.

Having given full consideration to the papers and letters circulated with the Agenda for the meeting, the presentation of the complaint given to the Panel, and the response made by Officers of the Council, the Panel:

RESOLVED – That:

1. the Panel apologised for the length of time taken to assess the claim.
2. the Panel recommended that the Benefits Team Leader (Assessment) contact the appellant within 14 days from the date of the decision letter to arrange a personal meeting to resolve the matter.
3. In future, should a complaint be elevated to Stage 2, the Panel recommended that the relevant Director should offer the appellant a face to face meeting with the relevant manager to discuss the complaint in person.

[The meeting ended at 10:55 am]