

Scottish Parliament Region: Highlands and Islands

Case 200601167: The Moray Council

Summary of Investigation

Category

Local government: Social Work; complaints handling

Overview

The complainant (Mr C) is unhappy with the way that an application that he made on behalf of his voluntary organisation for funding for a mobile service for 2006-2007 was handled. He raised concerns about The Moray Council (the Council)'s responses to letters from him and an MSP about the application.

Specific complaint and conclusion

The complaint which has been investigated is that Mr C considers that information provided by the Council about the funding application in a letter to an MSP dated 22 March 2006 and in a letter to him dated 5 July 2006 was incorrect (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Council apologise to Mr C for the failings identified in this report.

The Council have accepted the recommendation and will act on it accordingly.

Main Investigation Report

Introduction

1. On 18 July 2006, the Ombudsman received a complaint from the complainant (Mr C) in relation to his application for funding for his voluntary organisation. The service provided by Mr C included a mobile recording studio, which he used to visit clients in their own homes.

2. Mr C complained about a letter that the Director of Community Services (the Director) in The Moray Council (the Council) had sent to an MSP on 22 March 2006. The letter stated that Mr C had been unsuccessful in his bid for funding for a mobile service, which had previously been supported through the National Lottery funding. The Director said that, 'the reason for this was that he was unable to provide any information on who would use or benefit from the service in terms of numbers etc'. Mr C said that he had provided this information in a letter and on a DVD.

3. Mr C wrote to the Director on 10 June 2006 to complain about the letter. He said that the reason given for funding being refused was incorrect. The Council's Chief Executive (the Chief Executive) responded to Mr C on 5 July 2006. He said that he had reviewed the process and was satisfied that the funding allocation had been handled reasonably and impartially.

4. The complaint from Mr C which I have investigated is that Mr C considers that information provided by the Council about the funding application in a letter to an MSP dated 22 March 2006 and in a letter to him dated 5 July 2006 was incorrect.

Investigation

5. Investigation of the complaint involved reviewing the documents and comments provided by Mr C and the Council.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

Complaint: Mr C considers that information provided by the Council about the funding application in a letter to an MSP dated 22 March 2006 and in a letter to him dated 5 July 2006 was incorrect

7. Mr C runs a voluntary organisation providing therapeutic support, through music, for people with mental health problems. The service provided by Mr C included a mobile recording studio, which he used to visit organisations and people in their own homes.

8. Prior to 2005, the organisation received funding from three separate sources. The Council funded a studio project; the National Lottery funded a mobile service; and a recording arts project received funding from Choose Life, a Scottish Government strategy and action plan to prevent suicide and a separate funding stream to the Council. However, the National Lottery funding was due to end.

9. Mr C met the Council at a budget negotiation meeting for his voluntary organisation on 21 February 2005. The Council have told me that the meeting on 21 February 2005 was to deal with the studio project. The minutes of the meeting state that Mr C raised the issue of a mobile service that would cover at least five users locally. The minutes show that it was noted within the Council that there was no new money for the development of services, however, it was agreed that the £1,000 that had not been spent on volunteers' expenses could be used to cover fuel for the mobile service. Mr C was to seek alternative funding for the remainder.

10. Mr C met the Council at a pre-budget meeting on 20 October 2005. The Manager of the Council's Community Mental Health Team (the Manager) asked that he provide information about the number of people using the group and how often they did so etc. She also asked that he provide information about expenditure, projected spend and the cost to fund additional expenses that had been requested. She asked for the information by 31 January 2006. Mr C advised the meeting that he had produced a 20-minute DVD about the service.

11. On 27 January 2006, Mr C wrote to the Manager. He said that the organisation was applying for funding to enable them to continue their mobile service. He said that the main outcomes were enabling people in rural areas to have access to a wider range of support for their mental health needs and supporting the recovery of people with mental health problems. He said that he was happy to meet her to discuss the work that would be done and the benefits

for people that use the service. He asked that she let him know if she needed more information. He attached an application for funding for the mobile service. This said that the service provided for seven clients, including him, and that the total annual running costs were £2,742.40. He listed the areas in which the service had clients.

12. The Council have advised me that the Manager did not receive this letter, but that it was received by the NHS, who chair the Choose Life Funding Committee.

13. On 2 March 2006, Mr C met the Manager and several other Council officers at a budget negotiation meeting for the organisation. The record of the meeting states the Manager said that she would like to contact service users directly. The record says that the Manager reassured Mr C that all information provided would be dealt with confidentially, but does not contain any indication that Mr C would not co-operate with this request. Although it is unclear which service is referred to, the Council have told us that the manager made it quite clear that the meeting was to deal specifically with the studio project. Mr C confirmed that a Council officer had obtained a copy of a DVD he had made about the service. The Council have told me that the DVD was vetted before the meeting. The Manager advised him to seek other funding for further costs of the mobile service, such as applying to Choose Life. The Choose Life working group have representation from the Council.

14. Mr C subsequently made an application to Choose Life for funding for the mobile service. He said that he was applying for costs of £832 and that the service would provide peer support to a maximum of six people at once. He also stated that support would be provided to others if funding was made available. On 15 March 2006, Choose Life decided not to award funding for transport costs for the mobile service. The decision states that the, 'bid was unsuccessful as the group previously agreed not to fund transport costs alone'.

15. The Director wrote to an MSP on 22 March 2006. He said that Mr C had been unsuccessful in his bid to the Council for funding for a mobile service, which had previously been supported through the National Lottery funding. He said that, 'the reason for this was that he was unable to provide any information on who would use or benefit from the service in terms of numbers etc'.

16. On 6 April 2006, Integrated Mental Health Services (IMHS), a partnership between the Council and Grampian NHS Board, wrote to Mr C to advise that his bid for funding from Choose Life had not been successful. However, on 10 May 2006, IMHS wrote to Mr C and told him that they had now watched his DVD and they now appreciated that the work he was undertaking related to peer support, training and education. They said there was £486 remaining in the pot and that they would be happy to offer this.

17. Mr C wrote to the Director on 10 June 2006 to complain about his letter dated 22 March 2006. He said that the reason given for funding being refused was incorrect. He enclosed a copy of his letter of 27 January 2006.

18. On 26 June 2006, IMHS wrote to Mr C telling him that the sum of £12,832 had been allocated to the organisation for the year 2006-2007. This funding did not relate to the mobile service.

19. On 5 July 2006, the Chief Executive responded to Mr C's letter of 10 June 2006. He said that he had reviewed the process and was satisfied that the funding allocation was handled reasonably and impartially. He said that the bid was unsuccessful because Mr C was unable to provide information on who would use or benefit from the service and there was considerable pressure and competition for funding. He said that it was essential that information on outcomes was provided to enable the Council to prioritise applications in view of the considerable competition for the limited funds available. He also said that the Director had offered to meet Mr C to explain the bid application process and the sort of information you need to supply in order to be competitive in the bidding process. The Chief Executive did not refer to the letter dated 27 January 2006 that Mr C had enclosed.

20. Mr C wrote to the Ombudsman on 17 July 2006. He complained about the letter to the MSP dated 22 March 2006 and the letter to him dated 5 July 2006. He said that he had provided the information on who would benefit from the service to the Council in a DVD. He also said that his letter dated 27 January 2006 clearly outlined the number of people using the service.

21. The Council have told me that they have been consistent in their responses to Mr C and that they will not fund the transport costs alone for an unknown client group. They said that Mr C was told from the outset that his proposal for the mobile service was not viable from a Council perspective. They

said that it was based upon transport costs alone and failed to provide verifiable evidence of a client base. They said that he had consistently failed to provide details of the clients using the service and that he had been aware of the situation and had the opportunity to provide the information required.

Conclusion

22. The complaint I have investigated is that the Council were wrong in saying in their letters of 22 March 2006 and 5 July 2006 that Mr C was unable to provide information about who would use or benefit from the mobile service.

23. Whether or not the Council received Mr C's letter of 27 January 2006, it indicates that he was prepared to provide information about numbers and benefits. The Council have said that this letter was received by the NHS.

24. Subsequent to the letters of 22 March 2006 and 5 July 2006, the Council have said that Mr C did not provide verifiable information about users of the mobile service. They said that he was asked on several occasions for details of those people accessing his service. The Council have also told me that this was explained to Mr C by the Manager in order to help him understand what information would be required in a business plan, although they accept that this is not explicitly recorded in the minute of the meeting of 20 October 2005. In the circumstances of a funding application from a user of mental health services, it is important that such information is clearly recorded.

25. Even if explanations about this were given verbally to Mr C, the letter of 22 March 2006 simply refers to lack of information about 'numbers etc'. Neither this nor the letter dated 5 July 2006 refer to any failure to provide further information that the Council felt able to verify. Furthermore, one of these letters was to an MSP who was not a party to any such explanations.

26. I have noted that Mr C had also provided a DVD to the Council, which included interviews with users of the mobile service. I have also noted that there were no problems of this sort at that time in negotiating ongoing funding for the studio project (although funding for this has now been withdrawn). Mr C provided a list of names of service users to the Manager in an email of 20 February 2007.

27. The letters of 22 March 2006 and 5 July 2006 stated that Mr C was unable to provide information about who would use or benefit from the mobile service.

There is a lack of a written record of the discussions with Mr C and no record that he was asked for information about this or that he was unable to provide it. In all the circumstances, I uphold the complaint.

Recommendation

28. The Ombudsman recommends that the Council apologise to Mr C for the failings identified in this report.

29. The Council have accepted the recommendation and will act on it accordingly. The Ombudsman asks that the Council notify her when the recommendation has been implemented.

Explanation of abbreviations used

Mr C	The complainant
The Director	The Director of the Council's Community Services
The Council	The Moray Council
The Chief Executive	The Council's Chief Executive
The Manager	The Manager of the Council's Community Mental Health Team
IMHS	Integrated Mental Health Services