

BOROUGH OF KETTERING

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Report Originator	John Conway – Head of Housing	<i>Fwd Plan Ref No:</i> A17/016	
Wards Affected	Desborough St Giles	18 th October 2017	
Title	OUTCOME OF OMBUDSMAN INVESTIGATION		

Portfolio Holder: Cllr Mark Rowley

1. PURPOSE OF REPORT

- 1.1 In accordance with the Local Government Act 1974, the Council is required to consider an Ombudsman's report where a complaint has been upheld and maladministration and injustice have occurred.
- 1.2 Accordingly, this report advises the Executive Committee of the outcome of an investigation undertaken by the Local Government and Social Care Ombudsman into a complaint by Mrs C concerning her homelessness application and temporary accommodation.
- 1.3 The Ombudsman's report is attached as Appendix A.

2. BACKGROUND INFORMATION

- 2.1 On 3rd August, the Local Government and Social Care Ombudsman published his findings following an investigation into a complaint against the Council by Mrs C.
- 2.2 Mrs C, who has mobility and health problems, has an adult daughter and a younger child.
- 2.3 In 2015 the family became homeless from accommodation in the private rented sector. We provided interim accommodation while considering Mrs C's homelessness application. When we accepted that we had a legal duty to secure accommodation for the family, we provided the same property as temporary accommodation pending longer-term accommodation being found.
- 2.4 Mrs C complained that the temporary accommodation which we provided was not suitable for her disabilities and health needs and that the Council inappropriately restricted the types of longer-term social housing she could bid for. As a result, Mrs C said that she could not access proper washing facilities, had to sleep on the sofa and did not have sufficient storage. Mrs C also reported that she and her family had suffered distress.

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3. THE OMBUDSMAN'S FINDINGS

3.1 Temporary Accommodation

While considering Mrs C's homelessness application, the family was placed in a three bedroom house. When we concluded our investigations, we decided that Mrs C was homeless and that we should secure housing for her - the 'full homelessness duty'. Mrs C was asked to remain in the current house while we decided whether to adapt it for her disabilities or to offer her somewhere else more suitable. She repeatedly expressed dissatisfaction with the property and, as a result, was offered alternative accommodation on five separate occasions; all of which she declined.

3.2 Nevertheless, when a local authority owes the full homelessness duty and provides accommodation, the applicant has a legal right to request a formal review of its suitability and the applicant should be advised of this right to a review. This did not happen in Mrs C's case and the Ombudsman therefore found the Council to be at fault.

3.3 Mrs C's Belongings

When Mrs C became homeless, she told us that she would have difficulty moving her belongings to the interim accommodation because her disability prevented her moving or lifting items. Mrs C was, exceptionally, allowed a transition period of four weeks to move her belongings to the temporary accommodation but otherwise no arrangements were made to store or protect her belongings as the property she was leaving and the temporary accommodation were comparable in bedroom size and Mrs C appeared to have sufficient funds and practical support available to her.

3.4 However, there was no written record of our decision-making at that time and we accept that we did not properly consider this issue as fully as we should have before making a decision. The Ombudsman has therefore concluded that the Council was at fault.

3.5 Consideration of Mrs C remaining permanently in her current accommodation

In looking at options for the longer term, we considered whether Mrs C's temporary accommodation could be adapted to meet her needs as a disabled person and concluded that this was not cost effective. Mrs C disagreed with our assessment. The Ombudsman concluded that the decision was correct and properly reached but the Council was found to be at fault for not communicating its decision to Mrs C promptly.

3.6 The Council's consideration of two other properties

Mrs C queried whether we had properly assessed whether two other properties could be adapted for her needs before ruling them out. The Ombudsman was satisfied that we reached our decisions properly and that the Council was not at fault in not offering Mrs C those properties.

3.7 The number of bedrooms Mrs C's household is eligible for

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Mrs C said she needed a three-bedroom property so she and both her daughters have a bedroom each. The Council's position was that, under the housing allocations scheme, Mrs C was only eligible for two bedrooms. This was because the adult daughter was a student living in university accommodation in another part of the country during term-time and she was therefore not entitled to be on the housing application.

3.8 Although the Council was entitled to come to that decision, the Ombudsman found we considered some parts of its allocations scheme that did not seem to apply to the adult daughter's circumstances while not considering other parts that might apply to her. The Ombudsman therefore found that the Council was at fault. He also found that parts of the allocation scheme could be clearer.

3.9 The Ombudsman also investigated how we prioritised applicants for different size properties and found that the Council was not at fault in this respect.

3.10 The Council also considered some information from Mrs C about help her adult daughter gave her but we were not persuaded this merited providing an additional bedroom. The Ombudsman found that the Council was entitled to make this decision and was not at fault in how it was reached.

3.11 **Bidding for housing association properties**

The Ombudsman was satisfied Mrs C could bid through the Keyways allocations system for housing association properties as well as council housing. Although she had priority for properties that were adapted for disabled people she could also bid for non-adapted properties. The Council's view was that it would be a matter for a housing association to decide whether to adapt any non-adapted property for Mrs C. The Ombudsman found that the Council was not at fault in saying that it could not make housing associations hold properties vacant or adapt them for a disabled prospective tenant.

3.12 **Bidding for properties with stairs**

The Keyways allocations system did not allow Mrs C to bid for properties with stairs following a change in policy in September 2016. This was so that applicants who could not manage stairs and who had increased priority for ground-floor properties did not bid for two-bedroom houses for which they were not likely to be successful. The Ombudsman found that this restriction on bidding was in line with the Council's allocations scheme so there is no fault in it. However, the Council was found to be at fault for not telling Mrs C about the restriction when she expressly asked about it and for replying inaccurately to the Ombudsman's enquiry on this point.

4 **OMBUDSMAN RECOMMENDATIONS**

4.1 The Ombudsman has made a number of recommendations which have been implemented by the Council. These recommendations and the Council's responses in italics, are set out below:

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- The Council should offer to review the suitability of Mrs C's temporary accommodation.
A review was undertaken and the accommodation was found to be suitable.
- The Council should decide whether to include the adult daughter on Mrs C's housing application and if so, whether the household is eligible for three bedrooms.
The adult daughter was ineligible for inclusion in the housing application.
- The Council should apologise to Mrs C for the injustice caused by its faults
A letter of apology has been sent to Mrs C.
- The Council should pay Mrs C £500 in compensation.
A payment of £500 has been made to Mrs C.
- The Council should review the wording of the allocations scheme
The Keyways housing allocations scheme was reviewed and a revised scheme was approved by the Executive Committee on 20th September.
- The Council should review its procedures to minimise the risk of the identified faults recurring
Standard decision letters have been reviewed and staff training has been undertaken.

5. CONCLUSION

- 5.1 The Ombudsman's findings have been accepted by Council officers and his recommendations have been implemented in full. In addition, officers are currently reviewing the staffing structure and supervision arrangements within the Housing Options team in order to introduce additional checks and balances and minimise the scope for repeating the procedural errors that were made during the course of this case.

6. RECOMMENDATION

The Executive Committee is asked to consider the findings of the Ombudsman's report and the actions that have been taken as a result.

Background Papers:

Title of Document:

Local Government and Social Care Ombudsman
Investigation into a complaint against Kettering Borough Council

Date: 3 August 2017

Contact Officer: John Conway – Head of Housing

Previous Reports/Minutes:

Ref:

Date: