

## **Local Government Ombudsman complaint**

### **Overview**

The events leading up to this case start in July 2014 when housing applications were originally received from the family. The key date is 16 October 2015 when the Council accepted a full homelessness duty to secure temporary accommodation for the family.

The main finding against the Council - Taking too long to provide temporary accommodation to a homeless person.

Due to failures within the Social Letting Team (SLT), this was not secured until 12.2.16. This delay of 4 months should have been avoided as it is a legal duty of the Council to have provided temporary accommodation suitable to their needs once we accepted the duty. The Ombudsman found fault and injustice on this point stating the injustice was "the family continuing to live in overcrowded accommodation for those four months".

The case was further complicated by a subsequent suitability dispute around whether it should have been a 3 bed or 4 bed property and the adaptations required. Further fault arose in the Housing Association issuing a 6 month rather than a twelve month tenancy. The SLT's responsibility was to make sure that a 12 month tenancy was issued as a legal minimum. The suitability of the original temporary accommodation may still be open to challenge in court if the family want to go there. The tenancy issue has since been rectified by rescinding discharge of duty and starting again with the family. This part has been resolved.

The second finding against the Council is that it did not clearly explain how it had considered the complainants representations when deciding not to exercise discretion to admit to its housing register because of exceptional circumstances.

Essentially the complainant did/does not qualify to go on the housing register due to having large amounts of housing related debt - proven rent arrears from several landlords. The decision not to admit her to the register is therefore in keeping with the rules of our allocations scheme and is not wrong or questioned by the Ombudsman.

The complainant's representative - Shelter - did however ask the Council to use its discretion because of the stated health circumstances of the family and their intention to consider applying for a Bankruptcy or Debt Relief Order. Discretion onto the scheme of allocations was through the AD of Housing & Neighbourhoods usually via a recommendation by the Housing Needs Panel. Unfortunately the complaint was not correctly responded too at the time as redress was indicated through the Complaints Review Panel which has no role in allocations decisions - this is the role of the Housing Needs Panel as Shelter argued.

The Ombudsman has agreed with Shelter that although the decision is not wrong in itself we need to reconsider at the Housing Needs Panel and fully explain the reasons for our decision in detail, accepting that the complainant has not fully provided the grounds on which the discretion is to be considered to date.