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**Ref:** CS367

## CABINET - 17 JANUARY 2012

### BOROUGH COUNCIL – 28 JANUARY 2012

#### RESPONSE TO THE FURTHER REPORT OF THE OMBUDSMAN ON AN INVESTIGATION COMPLAINT ON A HOUSING MATTER

**Report by:** Councillor Steve Curran, Lead Member for Housing, Education and HR

#### 1. RECOMMENDATION

- 1.1 That Borough Council notes the recommendations of the Local Government Ombudsman, and the action taken in response to the issues raised in his Report (Section 3.0).

#### SUMMARY

This report sets out the contents of a report of the Local Government Ombudsman (LGO) in relation to complaint about a homelessness case and particularly the issue of temporary accommodation and the Council's rent deposit scheme.

The customer's complaint was upheld and the LGO made a finding of maladministration causing injustice to the customer.

The report sets out the Ombudsman recommendations and the actions taken to comply with these recommendations.

A full copy of the LGO report is attached as Appendix 1.

#### 2.0 BACKGROUND

- 2.1 Miss Ryder (not the customer's real name but is a pseudonym so as to protect her identity) complained to the LGO that the Council had been at fault in dealing with her homelessness application and her subsequent involvement with its rent deposit scheme. In particular she said she was not offered temporary accommodation and she was forced to pay the deposit on a privately rented property because of the delay by the Council in inspecting the property.
- 2.2 The LGO considered the complaint and investigated the actions of the Council in relation to this case. The LGO upheld the allegations and found that there was maladministration by the Council. The LGO concluded that the Council was at fault as follows:
  - Failure to offer temporary accommodation following the review decision on the applicant's homelessness application.

- Failure to reach a fresh decision on this application.
- No evidence of action being taken to pursue a property the applicant identified in January 2010 which might have been suitable for the Council's rent deposit scheme.
- No evidence of action being taken by the council to progress matters once the applicant identified further property and no evidence of action taken during May when the case officer was on leave.
- Failure to provide an accurate response to the enquiries made by the LGO's investigator.

2.3 A formal report of the investigation and findings was published by the LGO on 5 October 2011 and is attached as Appendix 1.

### 3.0 **RECOMMENDATIONS OF THE LGO AND ACTIONS TAKEN BY THE COUNCIL**

3.1 The LGO made the following recommendations to the Council:

- Compensation to be paid to the complainant in recognition of the distress, additional costs of travel and unnecessary time and trouble to which she has been put as a result of the fault - £500
- Rent deposit to be repaid to the complainant -£995

This compensation of £1,495 has been paid to Miss Ryder.

3.2 In addition the LGO recommended that the Council reviews its procedures such that:

- Officers dealing with homelessness cases are clear about their statutory responsibilities, in particular in relation to the provision of temporary accommodation.
- Proper records are kept of all significant contact with applicants or third parties and replies are given to reasonable enquiries.
- Officers are aware of the steps to take if contact with the lettings agents do not result in appropriate information being provided.
- The Council provides the LGO with full and timely responses to her enquiries in any future complaints brought to her.

The recommendations from the LGO have been formulated into an Action Plan led by and to be implemented by the newly appointed Head of Housing Options and Solutions and many of the issues raised will be dealt with through the pilot merger of the Housing Prevention and Advice and Assessment teams. To enable the implementation of the merger external training has been arranged to ensure that all officers are aware of their individual role in the delivery of the Council's statutory responsibilities

3.3 Under the Local Government Act 1974, the Council is also required to publish a press notice in more than one paper within two weeks of receiving the report and

make the report available at the Council's offices for a period of three weeks. These notices were published in November 2011.

- 3.4 The Council is required to consider the report within three months (or later period as agreed with the LGO) of receiving it and notify the LGO what action it has taken or proposes to take. This report is intended to meet that requirement.

#### **4.0 COMMENTS OF THE ASSISTANT DIRECTOR CORPORATE GOVERNANCE**

The Assistant Director Corporate Governance has been consulted in the drafting of this report and any comments have been included within it.

#### **5.0 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 5.1 The £1,495 compensation payment will be met from Housing's existing rent deposit budget.

<b>Background Papers:</b>
Complaint investigation file
<b>This report has been or is due to be considered by:</b>
CLT – 8/12/11 Borough Council – 31/1/12
<b>This report is relevant to the following wards/areas:</b>
All