

Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Planning, Housing and Transport

CABINET

16 SEPTEMBER 2014

CAB14/166

LOCAL GOVERNMENT OMBUDSMAN COMPLAINT (Decisions Plan: SEP14/06)

1. Summary and reasons for recommendation(s)

- 1.1 The Council accepted a duty to house Mrs A under the Homelessness legislation on 3 May 2013. The Council considered to have discharged this duty by making an offer of a property Newmarket. Mrs A refused this offer of accommodation and had to find her own accommodation. Mrs A was unhappy with the decision not to offer her another property and appealed the decision. She was unsuccessful with her appeal regarding the discharge of homelessness duty but we did uphold part of her complaint relating to the late correspondence and lack of information and apologised to her.
- 1.2 Mrs A then took her complaint to the Local Government Ombudsman. The Ombudsman found the Council to be at fault as it had not advised Mrs A in writing of the consequences of refusing the offer of accommodation until after she had refused the offer, although Mrs A had been advised verbally.
- 1.3 The Local Government Ombudsman upheld Mrs A's complaint under the category of maladministration and injustice and recommended the Council pay Mrs A £1000 compensation.
- 1.4 The Council has accepted the findings of the Local Government Ombudsman and has paid Mrs A £1000 compensation.
- 1.5 The Local Government Ombudsman's decision is attached as Appendix 1.

2. Recommendation(s)

2.1 That the Cabinet notes:-

2.1.1 The Local Government Ombudsman decision of maladministration and injustice.

2.1.2 The level of compensation recommended by the Local Government Ombudsman.

Contact details	Portfolio Holder	Lead officer
Name	Councillor Mrs R E Burt	Tony Hobby
Title	Cabinet Member for Planning, Housing and Transport	Housing Options Manager
Telephone	01638 712309	01638 719348
E-mail	rona.burt@forest-heath.gov.uk	tony.hobby@westsuffolk.gov.uk

3. Strategic priorities

3.1 The recommendation(s) meet the following, as contained within the West Suffolk Strategic Plan:

Priority Three: Housing

4. Key issues

4.1 This case highlighted a lack of robustness in the administration of homelessness cases. This has been addressed by the introduction of the Housing Options Team Leader Post that has specific responsibilities for managing the Homelessness function across West Suffolk.

4.2 The role of Homelessness Review Officer, previously part of the Strategic Housing Manager remit, has been integrated in to the role of Housing Options Manager who has the responsibility for the overall delivery of the homelessness service.

5. Other options considered

5.1 If the Council had not accepted the recommendations or agreed to pay the compensation the Local Government Ombudsman would report the fact.

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 Not applicable.

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 Not applicable.

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 Not applicable.

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 Not applicable.

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 Not applicable.

8. Financial and resource implications *(including asset management implications)*

8.1 The compensation has been paid from the Housing Budget and so £1000 will not be available for homelessness prevention.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Negative image of Council	Medium	Full acceptance of LGOs recommendations.	Low

10. Legal and policy implications

10.1 Not applicable.

11. Ward(s) affected

11.1 All.

12. Background papers

12.1 Not applicable.

13. Documents attached

13.1 Appendix 1 - Local Government Ombudsman decision