

Forest Heath District Council

**PERFORMANCE AND
AUDIT SCRUTINY
COMMITTEE**

31 JULY 2014

PAS14/046

(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 Head of Housing

LOCAL GOVERNMENT OMBUDSMAN COMPLAINT UPHELD – JULY 2014

1. Summary and reasons for recommendations

- 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 has upheld Mrs A's complaint under the category of maladministration and injustice and has recommended the Council pays Mrs A £1,000 compensation.
- 1.4 The Local Government Ombudsman's decision is attached as **Appendix 1**.

2. Recommendations

- 2.1 That the Committee **notes** the Local Government Ombudsman decision of maladministration and injustice.
- 2.2 That Cabinet is **recommended** to agree to the level of compensation as proposed by the Local Government Ombudsman

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3. Strategic priorities

3.1 The recommendations meet the following, as contained within the West Suffolk Strategic Plan:

n/a

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 Should the Council not accept the recommendations or agree 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 n/a

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

6.2.1 n/a

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

6.3.1 n/a

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

6.4.1 n/a

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

7.1 n/a

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

8.1 The compensation would be paid from the Housing Budget and so £1,000 would 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	Fully accept LGOs recommendations.	Low

10. Legal and policy implications

10.1 n/a

11. Wards affected

11.1 All

12. Background papers

12.1 n/a

13. Documents attached

13.1 Appendix 1 - Local Government Ombudsman decision