

Report for: INFORMATION
Item Number:

Contains Confidential or Exempt Information	No
Title	Report by the Local Government and Social Care Ombudsman – Complaint reference 22 002 098
Responsible Officer(s)	Nicky Fiedler – Strategic Director of Housing & Environment
Author(s)	Jack Dempsey – Head of Allocations & Accommodation
Portfolio(s)	Cllr Bassam Mahfouz – Safe and Genuinely Affordable Homes
For Consideration By	Cabinet
Date to be Considered	13 September 2023
Implementation Date if Not Called In	25 September 2023
Affected Wards	All
Keywords/Index	LGO, complaint, housing

Purpose of Report:

The Local Government Ombudsman completed a complaint investigation in June 2023 which found in favour of the complainants. The LGO has requested the Council formally report its findings to Members.

1. Recommendations FOR NOTING

It is recommended that Cabinet:

- 1 Notes the findings of the Local Government and Social Care Ombudsman (LGO), attached as Appendix 1 to this report;
- 2 Notes that the Council accepts the recommendations and has issued an apology to the complainants and paid £3,400 as suggested by the LGO as a remedy;
- 3 Notes that the other recommendations the LGO has made have either been completed or are underway.

2. Reason for Decision and Options Considered

The LGO completed its investigation into a complaint made against the Council in June 2023. The full details of the complaint and LGO's findings can be found in appendix 1 to this report.

In summary, the household approached the Council for assistance with housing. The Council accepted it had a housing duty to the household under the relevant homelessness legislation. The household was provided with temporary accommodation in 2016, which was a 10th floor flat. The household reported disrepair to the Council in May 2021 and despite subsequent repairs undertaken by the Council, the primary matter of leaks from the communal roof did not stop and the household were placed on the Temporary Accommodation (TA) Transfer List to move to alternative accommodation. A suitability review was completed by the Housing Demand Department in January 2022 which confirmed the property was unsuitable due to disrepair.

The LGO found fault in that the Council delayed moving the household who lived in unsuitable TA for longer than necessary which the household considered was detrimental to their health. The management of TA transfer cases is in accordance with the TA Placement Policy, which sets out the priority principles for each case to be considered based on their current housing circumstances, similar to the Housing Allocation Policy and how social housing is allocated. In this case, the priority level was assessed as Band 3 of the TA Placement Policy, based on a scale of Band A (highest priority) to Band E (lowest priority). The household were awarded Band C on the grounds their current accommodation was not suitable. In similar cases, the repair works can sometimes be undertaken with the household in situ, once completed, the household do not need to move and would be removed from the transfer list as considered suitably housed, but in this case the household needed to move to allow the roof works to be undertaken.

As new TA units become available, the TA Allocations Team will consider transfer cases on their housing needs and the available property and will offer to the highest priority transfer case (who has been waiting the longest within that band). This household were moved to alternative TA in October 2022, with the delay being because of the shortage of available 3-bedroom properties to offer and the duty to move other households with higher housing needs before this household.

The current housing crisis in London and across England is well documented, with a substantial decrease in private properties becoming available to let, alongside the substantial increases in rent levels resulting in the Council not being as able to acquire new properties as in previous years, with a recent London Councils report stating that about 3% of available private rented properties available at Local Housing Allowance levels or below and supply levels not returning to pre-covid levels with supply levels in larger properties being in particular short supply both in the private rented sector but also in the social housing sector.

The Council has accepted the LGO's findings and recommendations and has actioned, or in the process of actioning all the recommendations.

The complainant has received a formal apology and been paid the £3,400 remedy.

The Council has implemented a daily recording sheet for Acquisitions Officers who are responsible for sourcing properties and is looking at best practice of other London councils to improve its recording. The Council has reviewed all the cases on the TA Transfer list to ensure accuracy and correct prioritisation and is currently in the process of reviewing the TA Placement and Acquisitions Policies to meet the second recommendation.

The LGO asked the Council to report its findings to an appropriate body of Council as it found that the complainant had suffered injustice as a result of maladministration. The Council is required to comply with this request by Section 31 (2) of the Local Government Act 1974.

The Council is also required to place two public notices in local newspapers or local newspaper websites notifying the public of the existence of a report of injustice as a result of maladministration made by the LGO. This requirement has also been completed.

3. Key Implications

None

4. Financial

The Housing Demand department has funded the £3,400 compensation paid to remedy the complaint from their approved revenue budget. It is unlikely to have a significant impact on the department's budgetary position and any resulting financial implications will need to be managed within the available budget.

5. Legal

The Council is required to consider this report under Section 31 (2) of the Local Government Act 1974

6. Value for Money

It is considered value for money to pay a remedy and accept the recommendations of the LGO as they act as a remedy for injustice, and a learning opportunity in order for the Council to improve its processes. This will improve services for residents and therefore improve value for money overall.

7. Sustainability Impact Appraisal

Not applicable.

8. Risk Management

Not applicable.

9. Community Safety

None.

10. Links to the 3 Priorities for the Borough

Ensuring that the Council acts openly, transparently and learns from any upheld complaints assists the authority in delivering all three of the administration's key priorities for the borough which are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

11. Equalities, Human Rights and Community Cohesion

An equalities impact assessment is not required for this report. Equalities issues will have been considered thoroughly as part of the investigation process for the complaint both within the Council's complaints department and by the LGO.

12. Staffing/Workforce and Accommodation implications:

Accepting the recommendations will have a small impact on training within the workforce. However, this will help the Council to improve its procedures and operational practices.

13. Property and Assets

None.

14. Any other implications:

None.

15. Consultation

None.

16. Timetable for Implementation

The LGO has asked that an apology is made, compensation paid, and report made to Councillors within 3 months of the issue of the report. This deadline has been met through this report being considered by Cabinet in September 2023.

17. Appendices

Appendix 1 – LGO Report on Complaint Reference 22 002 098

18. Background Information

None.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Justin Morley	Head of Legal Services (Litigation)	10/08/2023	11/08/2023	Throughout
Yalini Gunurajah	Finance	10/08/2023	10/08/2023	Financial Impacts
Nicky Fielder	Strategic Director for Housing & Environment	09/08/2023		Throughout
Carl Brazier	Interim Assistant Director, Housing Demand	15/08/2023		Throughout
Cllr Bassam Mahfouz	Lead Member, Safe and Genuinely Affordable Homes	16/08/2023		Throughout

Report History

Decision type:	Urgency item?
For Information	No
Report no.:	Report author and contact for queries:
	Jack Dempsey, Head of Allocations and Accommodation dempseyj@ealing.gov.uk 02088255547