

This Report will be made public on 18 May 2020

Report Number **C/20/01**

**To:** Cabinet  
**Date:** 27 May 2020  
**Status:** Non-key decision  
**Responsible Officer:** Amandeep Khroud, Assistant Director, Governance and Law  
**Cabinet Member:** Councillor David Godfrey, Cabinet Member for Housing and Special Projects

**SUBJECT:** Report by the Local Government and Social Care Ombudsman – Complaint Investigation, January 2020

**SUMMARY:** This report sets out details of an investigation completed by the Local Government and Social Care Ombudsman (Ombudsman) about the lack of support that Mr X alleges he received from the Council when he and his family approached the Council for housing assistance.

**REASONS FOR RECOMMENDATIONS:**

- a) Officers have fully reviewed the timescale of this case and the assistance provided to Mr X.
- b) In response to the Ombudsman's report, officers have reviewed its Homelessness and Housing Waiting List Services, including the support given to Mr X throughout his contact with the Council.
- c) The Council is drafting a further factsheet for clients, which will be available both online and front of house, advising clients on the role of the Council and clients in the completion of a Housing Options Appraisal.
- d) The Council's Cabinet is required to consider the Ombudsman's report and is required to confirm the action it has taken or proposes to take to the Ombudsman.
- e) The Council is required to accept the findings set out in the Ombudsman's report.

**RECOMMENDATIONS:**

1. To receive and note report C/20/01.
2. To agree that the Council accepts the findings set out in the Ombudsman's report and will take the action required.

## **1.0 Background**

- 1.1 This report sets out details of an investigation completed by the Local Government and Social Care Ombudsman (Ombudsman) about the lack of support that Mr X alleges he received from the Council when he and his family approached the Council for housing assistance in 2019.
- 1.2 The Ombudsman's report concludes that the Council is at fault and has caused injustice to Mr X. The Ombudsman has concluded the Council should:
- Write to Mr X to apologise for the delays in providing him with assistance with his housing situation.
  - Pay Mr X £100 to recognise the uncertainty and distress this has caused him and his family.
  - Review its processes for handling requests for housing assistance to ensure it deals with cases based on waiting time and urgency.
  - Review resources available to its housing department to ensure it is meeting its duties to people.
  - Place a notice in the local media to advise that it accepts the Ombudsman's findings.

## **2.0 Response to the Report**

- 2.1 The Ombudsman's report and timeline of this case including the outcomes have been fully reviewed by the Housing and Inclusion Manager. The Council's Homelessness and Housing Waiting List Services, including the assistance provided to Mr X throughout his contact with the Council have also been fully reviewed.
- 2.2 It is proposed that the Council should accept the Ombudsman's report and the required actions for the Council set out in the report which are as follows:
- To write to Mr X to apologise for the delays in providing him with assistance with his housing situation.
  - To pay Mr X £100 to recognise the uncertainty and distress this has caused him and his family.
  - The Council will also place an advert in the local media to confirm its response to Ombudsman's report.
- 2.3 The Council will provide a further factsheet for clients, which will be available both online and front of house, advising clients of the need to work closely with the Council to ensure that an effective Housing Options Appraisal process can be provided.

## **3. RISK MANAGEMENT ISSUES**

- 3.1 There are no specific risk management issues arising from this report.

## **4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

### **4.1 Legal Officer's Comments (AD)**

The Local Government Ombudsman's powers arise from the Local Government Act 2014 (as amended). They cannot force a Council to comply with their recommendations as they are just that a recommendation not an Order that can be enforced. They can, however, ask a Council to revisit a matter and then invoice the council for their time incurred. The Council therefore need to be aware that by refusing to comply a bill of costs could be raised together with any adverse publicity that may arise. Save for any issues that may arise from the same no further implications as far as Legal are concerned.

### **4.2 Finance Officer's Comments (LH)**

There are no initial financial implications arising from this report.

### **4.3 Diversities and Equalities Implications (AH)**

All applicants approaching the Council for housing assistance are required to co-operate with the Council and provide the necessary information to support their housing application. The Council has reviewed its procedures and provided a further fact sheet which is available to clients approaching the Council for housing assistance.

## **5. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Adrian Hammond (Lead Housing Specialist)

Telephone: 01303 853392

Email: [Adrian.hammond@folkestone-hythe.gov.uk](mailto:Adrian.hammond@folkestone-hythe.gov.uk)

Appendix 1: Report by the Local Government and Social Care Ombudsman

Appendix 2: Letter from the Local Government and Social Care Ombudsman