

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
Royal Borough of Windsor and  
Maidenhead Council  
(reference number: 16 003 062)**

**15 February 2018**

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## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mr X	The complainant
Officer A	A Senior Housing Needs Officer
Officer B	The Information Governance Manager
Officer C	The Complaints Team Leader

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## **Report summary**

### **Homelessness and complaints handling**

Mr X complains that the Council:

- failed to protect his belongings when he became homeless;
- did not offer him suitable accommodation;
- did not help him find permanent housing;
- would not rehouse him in central Windsor; and
- did not deal with his complaint about these matters properly.

### **Finding**

Fault found causing injustice and recommendations made.

### **Recommendations**

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

In addition to the requirements set out above we recommend the Council should:

- apologise to Mr X for the identified faults and for the injustice this caused him, and provide us with a copy of its letter;
- pay Mr X £1,050 for the three and a half months he was without any accommodation;
- pay Mr X a further £2,875 for the eleven and a half months he lived in unsuitable temporary accommodation;
- pay Mr X £250 for his time and trouble pursuing his complaint. This makes a total payment of £4,175. The Council should provide proof it has made this payment;
- amend its interim accommodation offer letters so that both are correctly titled, and provide us with copies;
- create a separate temporary accommodation offer letter and provide us with a copy; and
- review and improve its complaints handling arrangements and its Ombudsman liaison arrangements, and tell us what it has done to improve its arrangements, including those arrangements for handling complaints in relation to outsourced services.

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## The complaint

1. Mr X complains about the way the Council handled his homelessness application. He said the Council:
  - failed to protect his belongings when he became homeless;
  - did not offer him suitable accommodation;
  - did not help him find permanent housing;
  - would not rehouse him in central Windsor; and
  - did not deal with his complaint properly.

## The Ombudsman's role

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c), as amended*)

## How we considered this complaint

4. We have produced this report following the examination of relevant documents and interviews with the complainant and relevant employees of the Council.
5. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

## What we found

### Background

6. Mr X separated from his wife in December 2015. They have three children. Children's Services were involved with the children.
7. Mr X suffers from chronic lower back pain and uses crutches. He also suffers from depression, panic attacks and anxiety attacks. He takes painkillers and anti-depressants.
8. Mr X is unable to walk more than 10 metres without his crutches. And, although he can walk upstairs, this is difficult and causes him pain.

### Key facts

#### Mr X's homelessness application

9. On 8 December 2015 Mr X left his family home following the breakdown of his marriage. He spoke to Children's Services about getting his belongings from the family home as he was concerned his wife was disposing of them. The records show that Children's Services told Mr X they could not help him with his belongings, and that his friend had helped him with this.

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10. In December 2015 Mr X asked the Council for help with housing as he was homeless. Mr X said the Council offered him accommodation at around 5pm on 23 December in Guildford, Kent or Southall. The Council said it made every effort to get suitable accommodation for Mr X. But it has no record of the accommodation it offered Mr X or if it considered whether it was suitable for him. Mr X said he could not travel to Guildford, Kent or Southall because of his disability. There is no evidence to show the Council advised Mr X he could get a travel warrant via the Local Welfare Provision. Mr X said he stayed with his parents for a couple of nights over Christmas, but he did not get on with them. He then spent a few weeks “sofa surfing” at friends’ places.
  11. On 11 January 2016 Mr X filled in a homelessness application form. He described his health problems and said he was sleeping rough. Mr X told us he slept in garages close to his parents’ home and used a local leisure centre for showers. He gave the Council a letter from his GP saying he had a history of depression. And he said he asked Officer A for help with storing his belongings. There is no record of this. The Council says it now asks every applicant if they need storage for their belongings when it accepts a homelessness application. More recently, Officer A invited Mr X to provide an inventory of his lost belongings. He has not done so.
  12. Officer A called Mr X on 13 January 2016 and said based on his GP’s letter the Council would not have a duty to provide accommodation. She noted that he could only manage one flight of stairs and could walk only 10 metres without a stick. In a further telephone call on 18 January, Mr X said he would speak to his GP. However, when Officer A spoke to Mr X on 27 January he had not been able to get to his GP.
  13. On 1 February 2016 Officer A wrote to Mr X’s GP asking for further information. The GP responded on 4 February confirming Mr X had depression and chronic lower back pain which affected his mobility. On 9 February Officer A emailed the Private Sector Team putting Mr X forward for a ground floor property “*or first floor (at a push as relies on crutch)*” in three areas of Mr X’s choice, including central Windsor.
  14. On 10 February 2016 Officer A wrote to Mr X saying the Council had accepted the full homelessness duty towards him. She said Mr X was in Band A for rehousing. However, the records show he was in Band B, which is consistent with the Council’s allocation scheme.
  15. Nothing further appears to have happened until 1 March 2016 when Mr X’s MP contacted the Council. Officer A responded on 3 March saying Mr X would receive an offer of suitable permanent accommodation but nothing meeting his medical requirements had come up. She said the Council had offered Mr X interim accommodation on numerous occasions, and she and colleagues had spoken to him on an almost daily basis. There is no record of the offers of accommodation. And, apart from Mr X’s requests for contact, there is no record of any telephone discussions between Officer A and Mr X between the end of January and 23 March.
  16. In March 2016 Officer A contacted the Private Sector Team again. They had nothing suitable in Windsor. Officer A spoke to Mr X on 23 March about the possibility of a property in Maidenhead, but he declined it because his support network and GP were in Windsor.

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17. On 11 April 2016 Officer A wrote to Mr X offering him a place at Q Lodge. She used the standard letter described in paragraph 40. Mr X moved into Q Lodge. It was bed and breakfast accommodation with shared facilities about four miles from the centre of Windsor. Mr X said it was in the middle of nowhere and there were no buses or other facilities nearby. As he did not have his own transport he was stuck at Q Lodge if he couldn't get a lift. There is no evidence to show the Council offered Mr X travel warrants while he lived at Q Lodge.
  18. Mr X continued to call Officer A. On 26 April 2016 he asked her to contact him about his room at Q Lodge. There is no evidence showing Officer A returned Mr X's calls. Mr X said she did not do so.
  19. On 11 July 2016 the Council moved Mr X to M House in Windsor. It was a one bedroom self-contained flat on the third floor. Mr X said there was a lift on the other side of the building but there was no access to his flat from there. There was no lift access to his flat. Mr X said he could get up to his flat but this caused him significant pain. The Council said Mr X did not let Officer A know of any difficulties with this accommodation. Had he done so, Officer A would have tried to remedy the problems.
  20. On 31 March 2017 Mr X moved to a permanent housing association property in Windsor. Mr X said that apart from the accommodation the Council offered him before Christmas 2015, a property in Maidenhead, Q Lodge and M House, the Council did not offer him anything else. He said his wife would not allow him to see his children while he was living in temporary accommodation. He is now taking legal action to have contact with his children.
  21. The Council has provided information about interim and temporary accommodation it provided for homeless applicants during the relevant period. It also provided information about the nominations it made to a housing association for permanent accommodation. The information is unclear and does not provide all the information we would like. Nevertheless, it shows the Council nominated Mr X for a permanent housing association property in May 2016. The Housing Association rejected the nomination because the property was too close to Mr X's wife. The information also shows that in June 2016 the Housing Association asked the Council for nominations for several properties including a ground floor flat in one of Mr X's preferred areas. The Council nominated another Band B applicant for the property.

### **The Council's handling of Mr X's complaint**

22. Mr X first complained to the Council in April 2016. He complained to us when it did not respond. We referred the matter back to the Council in June and again in August 2016 as we thought it should have an opportunity to deal with the complaint properly.
23. We contacted the Council in September 2016 asking for an update. Despite ongoing contact with the Council, we did not receive a response until November 2016. The Council also wrote to Mr X in November 2016. He did not receive it at the time.
24. We decided to investigate Mr X's complaint and asked the Council for further information on 9 February 2017.
25. We expect councils to respond to our enquiries within 20 working days. However, despite reminders, telephone contact with Officers B and C, and direct contact with Officer A (which we would not ordinarily have), the Council did not respond to our enquiries.

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26. We arranged to inspect the Council's files and to interview an Officer on 4 May 2017. We cancelled these arrangements when the Council assured us we would receive a response by 2 May. The Council did respond but it did not answer all our questions or provide all the information we asked for.
27. We interviewed Officers A, B and C in June 2017. On 16 June we asked the Council for further information about the one bedroom and bedsit accommodation it uses for homeless applicants. It provided this information only after we said we would issue witness summonses if it did not do so.

### **Complaint - the Council failed to protect Mr X's belongings when he became homeless**

#### **Legal background**

28. Where the council owes a housing duty, it must protect the applicant's personal property if there is a risk it may be lost or damaged. (*Housing Act 1996, section 211*)

#### **Analysis**

29. Mr X alleged the Council failed to protect his belongings. Officer A's record keeping throughout the life of Mr X's homelessness application was poor. However, her records of her early contact with Mr X do not refer to his belongings. And Children's Services' records show Mr X spoke to them about his belongings. Children's Services' records also show that Mr X's friend helped him retrieve at least some of his belongings. Officer A invited Mr X to provide an inventory of his lost belongings but he has not done so.
30. We do not uphold this part of Mr X's complaint as there is no evidence of fault. And it would be reasonable for Mr X to provide an inventory of his lost belongings.

### **Complaint - the Council did not offer Mr X suitable accommodation**

#### **Legal and administrative background**

##### **Homelessness**

31. When a person applies to a council for accommodation and it has reason to believe they may be homeless or threatened with homelessness, a number of duties arise, including:
- to make enquiries;
  - to secure suitable accommodation for certain applicants pending the outcome of the enquiries;
  - to notify the applicant of the decision in writing and the right to request a review of the decision.
- (*Housing Act 1996, section 184 and Homelessness Code of Guidance paragraphs 6.2 and 6.6*)
32. A council must provide interim accommodation while it considers a homelessness application if it has reason to believe the applicant may be homeless, eligible for assistance and in priority need. (*Housing Act 1996, section 188 and Homelessness Code of Guidance for Local Authorities, paragraph 6.5*)
33. Examples of applicants in priority need are:
- people with dependent children;
  - pregnant women;
  - people who are vulnerable due to serious health problems, disability or old age.

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34. The law says councils must ensure all accommodation provided to homeless applicants is suitable for the needs of the applicant and members of his or her household. This duty applies to interim accommodation and accommodation provided under the main homelessness duty. (*Housing Act 1996, section 208*)
35. Councils must consider the location of accommodation when they consider if it is suitable for the applicant and members of their household. If a council places an applicant outside its district it must consider, amongst other things:
- the distance of the accommodation from the “home” district;
  - the proximity and accessibility to local services, amenities and transport.
- (*Homelessness (Suitability of Accommodation) Order 2012*)
36. If a council is satisfied someone is eligible, homeless, in priority need and unintentionally homeless it will owe them the main homelessness duty. Generally, the council carries out the duty by arranging temporary accommodation until it makes a suitable offer of social housing or private rented accommodation. (*Housing Act 1996, section 193*)
37. Homeless applicants may request a review of the suitability of temporary accommodation provided once the council has accepted the main homelessness duty. The council should notify applicants of their right to request a review of the suitability of any accommodation it offers in discharge of a homelessness duty. (*Housing Act 1996, section 202 and Homelessness Code of Guidance, paragraph 19.3*)
38. There is no right to request a review of the suitability of interim accommodation provided pending the outcome of the Council’s enquiries. A homeless applicant may challenge the suitability of interim accommodation by way of judicial review. We do not normally expect them to do so.
39. The Council does not believe we can make a judgement on the suitability of accommodation once an applicant has accepted it. As there is no right of review of the suitability of interim accommodation, we can consider this. And, although we cannot normally investigate a complaint when someone could take the matter to court, we can investigate if we think it would be unreasonable for them to do so. In this case, we decided it would not have been reasonable for Mr X to go to court as the Council did not tell him about his right of review of the suitability of the temporary accommodation it offered him.

#### ***How the Council offers interim and temporary accommodation***

40. At the time of the events complained of, the Council used a standard letter when it offered a homeless person interim or temporary accommodation. The letter said “*interim accommodation has been arranged for you...*” regardless of whether the accommodation was interim or temporary accommodation. The letter did not mention the right to request a review of the suitability of temporary accommodation.
41. The Council now has two standard letters. One letter is headed “*Offer of Interim Accommodation*” while the other is headed “*Offer of Temporary Accommodation*”. Both are, in fact, interim accommodation offer letters. And both invite applicants to contact the Council if they do not think the accommodation is suitable. The letters also tell applicants of their right to request a review of the suitability of the accommodation if they remain there once the Council accepts the full homelessness duty towards them. The Council does not have a separate temporary accommodation offer letter to use when it offers applicants temporary accommodation once it accepts the full homelessness duty.



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42. The Private Sector Team is responsible for sourcing and allocating accommodation. The Council has a list of properties that it can use as temporary accommodation for homeless applicants. Over 90 of the properties have one bedroom or are bed and breakfast accommodation. However, other housing authorities use the same properties for their homeless applicants.

### ***Housing Options Service restructure***

43. The Council said it was restructuring its Housing Options Service (HOS) when Mr X made his homelessness application. The changes include the following.
- Its system is kept up-to-date with notes of each contact.
  - It introduced a new travel warrant system in January 2016. This allows homeless applicants who are struggling financially to access vital services such as medical appointments and to maintain family networks. Before this, travel warrants could be obtained through the Local Welfare Provision (part of the Social Fund). It also implemented a taxi contract to boost the travel warrant system.
  - It has had a Sourcing Accommodation Officer since May 2017 who ensures accommodation (interim, temporary and in the private sector) is available. HOS asks the Officer for accommodation using an online referral form.
  - Extra officers have been appointed to clean up the filing system, to ensure nominations for permanent accommodation are made in line with the Council's allocations policy, and to review pointing and banding of live applications.
  - The Sourcing Accommodation Officer and Housing Options Assistant meet weekly to discuss accommodation options.
  - All letters have been reviewed and redrafted, and will be reviewed again.

### **Officer A's comments**

44. Officer A confirmed she had been involved with Mr X's case from the outset. She had had lots of informal discussions with him about the properties he had been offered. And she had returned many of his calls. But she had no records of her telephone conversations or of the many properties she said he was offered.
45. Officer A acknowledged that the offer letter described in paragraph 40 does not refer to a homeless applicant's right of review about the suitability of temporary accommodation. She assured us that officers would discuss this with applicants face to face or over the telephone, and when a property is offered. She also assured us that she knew the difference between interim and temporary accommodation.
46. Officer A did not know where Mr X stayed between February 2016 (when the Council accepted the full homelessness duty towards him) and April 2016 (when it offered him a room in Q Lodge).

### **Analysis**

47. A council only needs "reason to believe" that someone may be homeless, eligible and in priority need before it should offer interim accommodation. So if it does not have enough information to be satisfied that it should *not* provide interim accommodation, it has a duty to provide it. An applicant who has a disability may be in priority need.
48. The Council has no record of the out-of-area accommodation Mr X said it offered him late in the day just before Christmas 2015. He had already made his

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homelessness application by then, even though he did not complete an application form until the following month. So it seems the Council accepted it should provide him with interim accommodation, perhaps because it could see Mr X's limited mobility. However, there is also no evidence to show why the Council considered the out-of-area accommodation would be suitable for Mr X, or how it thought he could get there. The Council's failure to record its reasoning for offering accommodation so far away, and why it thought it was suitable for Mr X, is fault. In our view, the accommodation – so far from Mr X's medical services and his children – was not suitable. In addition, the Council provided no evidence to show it advised Mr X he could get a travel warrant via the Local Welfare Provision. In any event, it is unlikely he could have obtained a travel warrant quickly enough to access the offered accommodation that day.

49. When Officer A spoke to Mr X on 13 January 2016 she said the Council would not have a duty to provide him with accommodation. We recognise that by then the Council had Mr X's GP letter which referred to his depression but made no mention of his mobility problems. But Officer A had noted that Mr X could manage only one flight of stairs and could walk only 10 metres without a stick. So her decision not to offer Mr X interim accommodation – when she may have had reason to believe he had priority need because of his mobility problems - makes no sense.
50. The Council accepted the full homelessness duty towards Mr X on 10 February 2016. It then had a duty to offer him suitable temporary accommodation. Officer A had already contacted the Private Sector Team putting him forward for a ground floor property *"or first floor (at a push as relies on crutch)"*. She said the Council offered Mr X accommodation on numerous occasions. But there is no record of any offers other than a property in Maidenhead (which Mr X refused), Q Lodge and M House. So we cannot be satisfied the Council made Mr X any other offers of accommodation. The Council took far too long to comply with its duty to provide Mr X with temporary accommodation after it accepted the full homelessness duty towards him. This is further fault.
51. The Council provided a list of properties the Council uses for homeless applicants. Over 90 of these properties had one bedroom or were bed and breakfast accommodation. Other councils use the same accommodation, and so not all the accommodation would have been available. However, the information provided suggests the Council placed several homeless applicants in temporary accommodation during the relevant period. In our view, the Council could and should have offered Mr X suitable temporary accommodation sooner. Its failure to do so is fault.
52. So the Council failed to offer Mr X suitable interim accommodation, and failed to offer temporary accommodation in a timely manner. We explained in paragraph 40 why we considered the suitability of the temporary accommodation the Council offered Mr X. In our view, the temporary accommodation the Council offered Mr X was not suitable for him. We have explained why we reached this view in the following paragraphs.
53. The Council offered Mr X temporary accommodation in Maidenhead in March 2016. We would not criticise it for making this offer. And in any event, Officer A apparently accepted that it would not be suitable for him.
54. However, the later offers of Q Lodge and M House – both temporary accommodation following the Council's decision on Mr X's homelessness application - were not suitable. The Council knew about Mr X's mobility problems.

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Q Lodge was not suitable because of its limited public transport and nearby facilities. And, M House was not suitable because the flat was on the third floor without lift access: Officer A had previously said Mr X should be offered ground floor accommodation or first floor “at a push”. The Council said Mr X did not tell Officer A about the problems he had with his accommodation and, had he done so, she would have remedied the problems. The evidence shows how often Mr X tried to contact Officer A. Had she returned his calls she might have discovered the difficulties he was having with his accommodation.

55. So the Council offered Mr X unsuitable interim accommodation in December 2015 and took too long to offer him temporary accommodation after accepting the main homelessness duty towards him. The temporary accommodation it offered him was not suitable. This is fault.
56. In addition, the Council used a standard letter (see paragraph 40) when it offered interim or temporary accommodation. The letter failed to notify applicants of their right of review of the suitability of the temporary accommodation offered. Officer A said officers tell applicants about their rights of review. That is not enough. The Council should have separate letters offering interim and temporary accommodation. And the temporary accommodation offer letters in use when Mr X made his homelessness application should have notified applicants of their right to request a review of its suitability and the time limit for doing so.
57. The Council now has two offer letters. Both of these are, in fact, interim accommodation offer letters. One is incorrectly titled “*Offer of Temporary Accommodation*”. The letter should be correctly titled. And the Council should have a separate temporary accommodation offer letter.
58. Officers apparently understand the difference between interim and temporary accommodation. But, in this case, they either did not fully appreciate the significance of the differences or they disregarded them. This may explain why the Council’s original standard letter referred only to interim accommodation. It may also explain why one of its new standard letters is incorrectly titled “*Offer of Temporary Accommodation*”. But they are different in the eyes of the law: the Council’s duties in relation to each are significantly different, as are an applicant’s rights of review. So the Council needs to put this right.
59. Officer A did not record much of her contact with Mr X: there is no record of any other offers of accommodation or of her returning Mr X’s calls, for example. This is fault. Compiling and maintaining proper records is a basic necessity so, for example, officers do not have to rely on memory, and records are available for reference when there is a dispute or complaint.

## **Complaint - the Council did not help Mr X find permanent housing**

### **How the Council offers permanent accommodation**

60. The Council has a housing allocation scheme which sets out how it will allocate available accommodation. It places applicants in Bands A to C, with Band A having the highest priority. Priority within bands is decided by housing needs points which the Council awards to reflect an applicant’s needs.
61. The Council awards 25 points a month to homeless applicants in priority need it has placed in temporary accommodation, to reflect the length of time spent in the accommodation. Homeless applicants in temporary accommodation are not eligible for any other housing need points.

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62. The Council does not have a choice based lettings scheme. It makes direct offers of available accommodation using the Bands and housing need points. If more than one applicant has the same number of housing need points within a Band it will consider applicants in date order.

### **Analysis**

63. Officer A said the Council placed Mr X in Band A for permanent housing. The records show he was in Band B. This is consistent with the Council's allocation scheme. The records also show the Council nominated Mr X for permanent housing in May 2016. But the Housing Association would not accept the nomination as the property was too close to Mr X's ex-wife. We do not find fault with the Council for this. However, the following month (June 2016) the Housing Association asked the Council for a nomination for another ground floor flat in one of Mr X's preferred areas. Even though Mr X's previous nomination had been unsuccessful, the Council did not nominate him for the property. The Council nominated another Band B applicant for the property, but there is no obvious reason why it could not have nominated Mr X. This is fault.
64. So the Council is at fault for failing to nominate Mr X for permanent accommodation in June 2016. This means that he lived in unsuitable temporary accommodation for an additional eight months longer than necessary. So in total, Mr X was in unsuitable temporary accommodation for eleven and a half months longer than necessary (from the time he moved into Q Lodge in April 2016 to when he moved into a housing association property in March 2017).

### **Complaint - the Council would not rehouse Mr X in central Windsor**

65. Mr X alleged the Council would not rehouse him in central Windsor. The evidence does not support this allegation. When Officer A emailed the Private Sector Team in February 2016 she put him forward for properties in three areas, including central Windsor. It is unfortunate that the Housing Association would not accept Mr X for a property when the Council nominated him in May 2016. But that did not happen because of any fault by the Council.
66. We do not uphold this part of Mr X's complaint.

### **Complaint - the Council did not deal with Mr X's complaint properly**

#### **The Council's complaints procedure and how it liaises with us**

67. The complaints procedure in use in early 2016 had three stages. The Council aimed to respond to complaints at each stage of the procedure within 10 working days.
68. The Council introduced a new complaints procedure in October 2016. This has two stages. The Head of Service should respond within 10 working days at stage 1, while the Director responsible for the service and complaints team should respond within 20 working days at stage 2.
69. Officer B acts as the link officer between our office and the Council. He passes the complaints we refer to the Council to its Complaints Team, and forwards the Complaints Team's response to us. He has no involvement in complaint investigation.
70. We normally liaise with link officers rather than directly with the officers involved in the matters complained of. In our experience, link officers are usually part of a council's complaints team.

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71. Officer C and two other officers make up the Complaints Team. At the time of Mr X's complaint they used a spreadsheet to monitor the progress of complaints. The Team now has a database to do this and to prompt officers for responses when necessary. It also sends Service Leaders a weekly report to act as a reminder about complaints.

#### **Officer A's comments**

72. Officer A said she knew about the Council's complaints procedure. She had no recollection of Mr X's complaint but said she would have received it. She stressed that the Council valued its customers.

#### **Officer B's comments**

73. Officer B said he was not part of the Complaints Team but he was responsible for coordinating the Council's responses to our enquiries. He said he did not chase responses in the way we might expect and acknowledged this was a weakness. He did not make a diary note to chase responses although it would be his role to do so.
74. Officer B said the Council was outsourcing some of its services. He assumed the Council would retain responsibility for managing complaints. But he did not know how the Complaints Team would liaise with the outsourced services.

#### **Officer C's comments**

75. Officer C explained how her Team monitors the progress of complaints (see paragraph 71). She said she, a colleague and Officer B had all been chasing Officer A for a response to our enquiries before we arranged to interview officers.
76. Officer C said it was the Complaints Team's role to ensure officers complied with the Council's complaints procedure. She said that chasing and monitoring were not working effectively at the time of Mr X's complaint. But complaints were being dealt with more efficiently now weekly reports are sent to Service Leaders.

#### **Analysis**

77. The Council's handling of Mr X's complaint was poor and failed at every level to comply with the complaints procedure.
78. The Complaints Team did not have control of the complaint. Its old and new ways of monitoring the progress of complaints failed in this case.
- We experienced delays in the Council responding to our enquiries.
  - We had to contact an officer direct and then arrange to interview officers to get the information we asked for.
  - The information the Council provided was incomplete and inadequate.
  - The Council provided some information only when we said we would issue witness summonses if it did not do so.

#### **Conclusions**

79. We identified the following faults by the Council:
- it did not keep proper records of some of its decisions and of its contact with Mr X;
  - it offered Mr X unsuitable interim accommodation;
  - it took too long to provide Mr X with temporary accommodation and the accommodation it eventually offered was unsuitable;

- it used one standard letter when it offered interim and temporary accommodation, and failed to notify applicants of their right to request a review of the suitability of temporary accommodation;
- its current standard letters are both interim accommodation offer letters, but one is incorrectly titled “*Offer of Temporary Accommodation*”;
- it does not have a standard letter for offers of temporary accommodation;
- it failed to nominate Mr X for an available ground floor flat in an area of his choice after a housing association rejected an earlier nomination;
- it failed to deal with Mr X’s complaint in accordance with its complaints procedure;
- it failed to deal properly with us.

80. The identified faults caused Mr X injustice.

## Decision

81. There was fault by the Council causing injustice to Mr X.

- He has mental and physical health problems. Yet the Council offered him unsuitable interim accommodation and so for three and a half months between December 2015 and April 2016 he was without any accommodation. He slept rough for at least part of this time and “sofa surfed” at other times.
- Mr X was isolated in his temporary accommodation at Q Lodge, and it was difficult and painful for him to access his temporary accommodation in M House.
- The Council’s standard letter denied Mr X the opportunity to challenge the suitability of his temporary accommodation.
- Mr X lived in unsuitable temporary accommodation for eleven and a half months longer than necessary because the Council did not tell him of his right of review of its suitability and failed to nominate him to an available housing association property in one of his preferred areas.
- He was put to the time and trouble of pursuing a complaint with us because the Council did not deal with his complaint in accordance with its complaints procedure.

82. However, we do not think the identified faults prevented Mr X from having access to his children as he suggested. Mr X said he is taking legal action to get contact with his children. That is something he could have started at any time and was not dependent on the Council’s actions.

## Recommendations

83. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

84. In addition to the requirements set out above we recommend the Council should:

- apologise to Mr X for the identified faults and for the injustice this caused him, and provide us with a copy of its letter;
- pay Mr X £1,050 for the three and a half months he was without any accommodation;

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- pay Mr X a further £2,875 for the eleven and a half months he lived in unsuitable temporary accommodation;
  - pay Mr X £250 for his time and trouble pursuing his complaint. This makes a total payment of £4,175. The Council should provide proof it has made this payment;
  - amend its interim accommodation offer letters so that both are correctly titled, and provide us with copies;
  - create a separate temporary accommodation offer letter and provide us with a copy; and
  - review and improve its complaints handling arrangements and its Ombudsman liaison arrangements, and tell us what it has done to improve its arrangements, including those arrangements for handling complaints in relation to outsourced services.