

Part A

Report to: Cabinet

Date of meeting: Monday, 18 January 2021

Report author: Group Head of Democracy and Governance

Title: Ombudsman's Decision

1.0 Summary

1.1 Under the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to make a report to cabinet of any finding of fault by the Local Government and Social Care Ombudsman.

1.2 On 13 December 2020 the council received the Ombudsman's final decision in a matter relating to Housing. The decision is attached as Appendix 1.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
That the lessons learned are not followed	Similar findings of fault in the future leading to a loss of reputation	That the Ombudsman's findings be taken on board in relation to future reports	Treat	2

3.0 Recommendations

3.1 That the Ombudsman's decision be noted.

Further information:

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4.0 **Detailed proposal**

- 4.1 Under s5A of the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to report to Cabinet any findings of fault by the Local Government and Social Care Ombudsman.
- 4.2 On 13 December 2020 the council received the Ombudsman's final decision in relation to a complaint about Housing. The complainant complained about the service the council provided when he was homeless between December 2018 and January 2020.
- 4.3 The Ombudsman found fault in how the council determined the priority date for the complainant's place in the housing register following his separation from his wife who it had treated as the lead applicant in their original joint homeless application. The Ombudsman also found fault in how the council decided to exclude the complainant's 18 year old son from his household from September 2019 classing him as a non-dependant as the complainant was no longer in receipt of child benefit for him. The Ombudsman concluded that this caused the complainant injustice as he then missed out on the offer of a three bedroomed property.
- 4.4 The council has accepted the Ombudsman's findings and has agreed a number of actions to remedy the injustice caused to the complainant and also to learn lessons from this complaint.
- 4.5 It has apologised to the complainant and also paid £500 in recognition of his distress. It has agreed to seek to find the complainant a suitable three bedroomed property with a registered provider to put him in the same position he would have been in but for the fault.
- 4.6 With regard to the lessons learned and future action:
- When taking applications from homeless couples it will treat both parties as an applicant and in the event of the couple subsequently separating whilst going through the homelessness process, provided both retain priority both will retain their original priority date. This will be made clear on our web site.
 - A review of the Nominations Policy will begin in the New Year to amend a number of the issues raised including the treatment of 18 year olds once child benefit is no longer payable, the provisions regarding leaving temporary accommodation for temporary periods and to provide guidance on how the council will treat the impact of changes in household composition on housing need and priority, including separation. This review being likely to come back to Cabinet in the autumn as it will require a full consultation.
 - In the meantime housing officers will be made aware of the findings in this case and will be advised to have regard to it when making decisions.

4.7 A copy of the final decision is attached at Appendix 1 and gives the full chronology. The Head of Housing comments that the Ombudsman's report and recommendations on this case have been important and beneficial for the Housing Department. They have provided clarity to ambiguous elements of homelessness guidance, which will be of benefit to all Local Authority Housing Departments. Watford Borough Council will immediately be changing its approach to cases where similar circumstances are involved. Changes in practice will be highlighted on the council's website and a further review of the Nominations Policy will be conducted over the next few months including consultation with affected stakeholders. It is hoped to submit a revised Nominations Policy to Cabinet for ratification in September 2021.

4.8 All Ombudsman decisions are published on their website in anonymised form.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that the £500 compensation payment will be met from existing housing budgets.

5.2 **Legal Issues (Monitoring Officer)**

5.2.1 The Group Head of Democracy and Governance comments that this complaint has led to the need to review the Nominations Policy. All findings of fault are required to be reported to Cabinet.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149 Equality Act 2010, it is considered that there are no direct equalities impacts arising from this report.

5.4 **Staffing**

5.4.1 No implications

5.5 **Accommodation**

5.5.1 No implications

5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

5.7 **Sustainability**

5.7.1 No implications

Appendices

- Appendix 1 Ombudsman's final decision

Background papers

No papers were used in the preparation of this report.