

CABINET

4 NOVEMBER 2022

REPORT OF THE MONITORING OFFICER

A.7 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FINDINGS

(Report prepared by Keith Simmons)

The Constitution (Article 12.03(a)) requires the Monitoring Officer to report to Cabinet (or to Council for non-executive functions) if any decision or omission has given rise to maladministration. This report concerns omissions that the Local Government and Social Ombudsman ('the Ombudsman') has determined were maladministration. There are two separate cases. Both relate to applications for housing by the Council (with one also concerning Council Tax recovery). Both households were in private rented accommodation at the time.

Case 1

In the first case, the Ombudsman determined the complaint on 1 July 2022. The investigation identified that the Council had adjusted the effective date of the application for housing from September 2018 to April 2019 and had not notified the applicant of the adjustment. There was also a delay of five months in notifying the applicant of a request for additional medical information and an occupational therapist assessment of the applicant's accommodation at the time. The medical panel then did not consider the evidence of the applicant until June 2021. While the pandemic contributed to some of the delay, in referencing the case to the medical panel, it was not the only factor. The assessment of the medical panel was backdated to April 2019. Prior to submitting the complaint to the Ombudsman, the Council had considered the circumstances. The Council had, as part of its processes, apologised and offered the complainant £200 to recognise the time and trouble they had been put to in making the complaint and for any distress it caused. The Ombudsman considered that this Council offer remedied the injustice caused.

The Ombudsman did not find that the delays incurred in this case affected the applicant's opportunity to be rehoused by the Council.

Since the period to which the complaint relates, the Council has introduced a new digital self-service system to manage applications to the housing register, which is relieving the pressure on its housing team. It has also restructured its housing team to provide a more effective service. In a further measure, it has reviewed the process for handling medical assessments and has carried out further work to ensure medical assessments are timely and outcomes communicated to applicants.

Case 2

In the second case, determined on 1 September 2022, the Ombudsman considered that the medical circumstances associated with an application for housing should have been reviewed in response to a representation received. The representations were made in June 2019. While the case was not subject to a full review, with a call for fresh evidence made, the existing position was re-examined and an offer of support to the complainant was made. The Ombudsman was of the view that the Council knew, or could reasonably conclude, that the needs of the household had increased since the last set of medical assessments had taken place. On that basis, a full review and call for fresh assessments should have been made. In 2017, the Council had made an offer of accommodation to the complainant and this was

declined following advice received by the complainant from the County Council's Occupational Therapists. The medical needs indicated that a single storey property was required.

The Ombudsman did not find that the review of the case in June 2019 would have affected the complainant's opportunity to be rehoused by the Council. There were also other elements of the complaint around housing that the Ombudsman did not uphold.

In addition to the housing application matters referred to above, the complainant had, between 2018/19 and 2021/22, accrued arrears in Council Tax of around £635 including costs. Recovery agents were engaged when the complainant did not respond to bills, reminders and summonses from the Council directly. In February 2019, an enforcement agent noted that the complainant might be potentially vulnerable on grounds of mental health illness. In April 2019, a further contact with recovery agents records that the complainant was "not in a good place" and feeling suicidal. These interactions should have meant that the case was referred back to the Council. However, it was not and recovery steps continued. It was then returned to the Council in 2019 (and at that stage included council tax arrears for 2019/20 as well). The Ombudsman considered that the delay in referring back the case from recovery agents to the Council would have caused distress to the complainant.

Prior to submitting the complaint to the Ombudsman, the Council had considered the circumstances. The Council had, as part of its processes, written off significant a large council tax debt the complainant.

Since the Ombudsman's investigation, and in accordance with the agreed recommendations, the Council has apologised to the complainant and made payments totalling £500 for the identified failings across housing and council tax recovery. Debt advice has also been offered. A briefing for housing staff on issues identified in the complainant has also been programmed.

Under delegated powers to the Chief Executive, decisions authorising the payments outlined in this report have been made and published separately. These decisions followed consultation with the Portfolio Holder for Housing.

This item is submitted for **INFORMATION ONLY**.