



Report to Cabinet

29 MARCH 2010

LEADER
*Councillor Stephen
Greenhalgh*
/

**MONITORING OFFICER REPORT TO
CABINET: LOCAL OMBUDSMAN
FINDING – MALADMINISTRATION
CAUSING INJUSTICE (CASE No. 09001
262)**

Wards:
All

Reporting on the report and finding of the
Local Ombudsman and resultant action
taken by the Council.

Recommending that this report be adopted
as the Cabinet's and Council's formal
reponse to the Ombudsman.

CONTRIBUTORS

DCS
ADLDS
DFCS

Recommendations:

- 1. That Cabinet notes the Local Government Ombudsman's report, findings and recommendations and endorses the actions already taken by officers as a result, in particular the Council's written apology, personal visit, compensation payment to the complainant and the changes in work practices.**
- 2. That, on the basis of these actions, the Cabinet takes no further action in relation to the matter for the reasons set out in the report.**
- 3. That this report be adopted as the Cabinet's formal response as required under s.5A of the Local Government and Housing Act 1989 and distributed to all members of the authority and the Monitoring Officer.**

- 4. That this report be adopted as the Council's formal response under s.31 of the Local Government Act 1974 and the Ombudsman be notified of the action the Council has taken.**

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Geoff Alltimes
CHIEF EXECUTIVE
February 2010

LOCAL GOVERNMENT OMBUDSMAN FINDING – MALADMINISTRATION AND INJUSTICE (CASE No 09001262)

The Local Government Ombudsman submitted to the Council on the 19th January 2010 a report with a finding that the complainant a homeless pregnant woman who presented to Housing Options Division as homeless in 2008, suffered maladministration and injustice. A copy of the Ombudsman's report is **attached**.

The last time the Council received an Ombudsman report on maladministration was in June 2004.

Local Government Ombudsman's report

Under s.5 of the Local Government and Housing Act 1989 the Monitoring Officer is under a duty to present a report to the Cabinet in the event of a finding of maladministration in respect of an executive function and the Cabinet is under a duty to consider that report. This report discharges that duty.

Under s.5A the Cabinet is obliged to consider the report and prepare a report which specifies:-

- (a) what action (if any) the executive has taken in response to the report;
- (b) what action if (any) the executive proposes to take and when;
- (c) the reasons for taking the action or, as the case may be, for taking no action.

As soon as practicable after the preparation of such a report, it must be sent to each member of the authority and the Monitoring Officer. These duties are reflected in the recommendations.

As required by the Act, the Head of Paid Service and the s.151 officer have been consulted in the preparation of this report.

In addition to the s.5 requirements, s.31 of the Local Government Act 1974 provides that where the Ombudsman reports that there has been maladministration, the report shall be laid before the authority concerned and that it shall be the duty of that authority to consider the report and within 3 months of the date of receipt of the report to notify the Ombudsman of the action which the authority has taken or which it proposes to take. The Ombudsman has further powers available in the event that he is dissatisfied with the authority's response.

2. SUMMARY OF THE OMBUDSMAN'S REPORT

Homelessness

Ms Kenza complains that the Council failed to give her adequate advice and assistance when she became homeless in June 2008 after she left her private rented accommodation following an incident of domestic violence on 27 May 2008. Housing officers had encouraged her to find accommodation in the private rented sector through the Direct Lettings Scheme and they did not explain that she could also make a homelessness application. She was not provided with emergency accommodation when she became homeless and says she spent four nights in June 2008 sleeping rough in a park. She also alleges that she was subjected to racial and sexual discrimination by Council officers.

2.1 OMBUDSMAN'S FINDING

Maladministration and injustice.

The standard of record-keeping by housing officers in this case was so poor that it hindered my investigation of the complaint. Officers did not consider taking a homelessness application from Ms Kenza after she left her accommodation on 4 June 2008 even though she was subsequently provided with emergency accommodation by the Council's Out of Hours Service and had told a housing officer she was homeless. The Council applied too strict a test when deciding whether it should provide Ms Kenza with temporary accommodation from 16 June 2008 by insisting she provide proof of homelessness first. The Council also failed to follow its own procedures for referring victims of domestic violence to a specialist domestic violence housing advocate for support and advice. The liaison and exchange of information between officers in the Children's Service and Housing Service about a vulnerable service-user was also ineffective.

As a result of the Council's failings, Ms Kenza was not provided with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council carried out a full investigation of the circumstances that led to her becoming homeless.

2.2 OMBUDSMAN'S RECOMMENDATIONS

That the Council:

- apologise to Ms Kenza for its shortcomings in handling her request for housing advice and assistance;
- pay compensation of £750;

- remind officers of the need to maintain accurate and detailed records of their contact with service-users and their advisers and advocates;
- review its systems for sharing information between Children's Services (and Adult Services in relevant cases) and the Housing Service about vulnerable service-users;
- ensure that the established procedure for referring service-users to the domestic violence housing advocate are followed;
- ensure that all forms used by the Housing Service are dated and ensure that records of service-users placed in emergency accommodation by the Out of Hours Service are copied to the housing officer responsible for the case.

3. INTRODUCTION

- 3.1 This report sets out the learning and actions required as a result of a finding of maladministration and injustice against the Council.
- 3.4 Principally, the Ombudsman found that the poor standard of record-keeping by housing officers in this case hindered his investigation of the complaint. Officers did not consider taking a homelessness application from Ms K after she left her accommodation on 4 June 2008 even though she was subsequently provided with emergency accommodation by the Council's Out of Hours Service and had told a Housing Officer she was homeless. The Ombudsman believes that Housing Options applied too strict a test when deciding whether it should provide Ms K with temporary accommodation from 16 June 2008 by insisting she provide proof of homelessness first.
- 3.5 The Council also failed to follow its own procedures for referring victims of domestic violence to a specialist domestic violence housing advocate for support and advice. The liaison and exchange of information between officers dealing with Ms K in the Children's Service and Housing Service was ineffective.
- 3.6 As a result of these failings, the Ombudsman felt Ms K was not provided for a short period of time with the level of support and assistance she could reasonably expect as a person who was homeless and in priority need. She was not placed in temporary accommodation while the Council carried out an investigation of the circumstances that led to her becoming homeless.

3.7 All housing departments are managing a wider policy tension. Whilst the Department of Communities and Local Government has strongly encouraged (including setting stringent targets in reducing homelessness and the use of temporary accommodation) the housing options approach, the homelessness legislation (with its emphasis on rights and entitlements) has not caught up. The front line advisers must promote housing options in tandem with entitlements under the homeless legislation. It is a constant tension which the Housing Options Division and others have to manage.

Learning from the case

3.8 Although the case is considered to be exceptional it does present the opportunity to pause, review, take stock, learn the lessons and change practice.

3.9 The Assistant Director (Housing Options) has used the case to initiate reflection and discussion across the Division. The lessons from the case were extensively discussed at the Housing Options divisional management meeting of the 26th January and at a meeting of all housing options managers on 9th February. Each manager is now in the process of discussing the case with each of their team members. The Assistant Director has also in his weekly email to all staff in the Housing Options Division drawn out the lessons from the case.

3.10 The Housing Officer immediately involved in the case has been formally advised and guided on how he should have responded to Ms K's concerns and his future performance will be monitored.

Domestic Violence

3.11 The Ombudsman concluded that the liaison between the Advance domestic violence worker (who is funded by Housing Options and is located within the Division) and housing officers was not adequate and that the Division did not adhere to its own procedures with reference to referrals. The Ombudsman was also critical of the way in which the Housing Officer had made ambiguous statements that could easily be misconstrued or misinterpreted. Ms K reported difficulties with her partner which should have been the trigger for the Officer to probe further; instead he took the statement at face value.

3.12 Since 2008, the Division has been proactive in addressing issues of Domestic Violence and specifically it has:

- convened a domestic violence housing group to have oversight of how the Division and others such as H&F Homes and RSLs respond to cases of Domestic Violence. The Ombudsman's comments will be discussed with the Domestic Violence Housing Group at their meeting in May, with a view to ensuring that preventative measures are put in place to ensure that this situation is not repeated.

- jointly funded a Domestic Violence housing development worker to review and improve policies and procedures and ensure they are both understood and properly monitored.
- Housing Officers have been reminded to be flexible in the use of interim temporary accommodation where vulnerability is clearly evident.

Liaison with Children's Services

- 3.13 The Ombudsman found that the liaison and exchange between officers in the Children's Department and Housing Options Division was ineffective.
- 3.14 It is worth acknowledging that a considerable amount of joint work has taken place since 2008 to improve communications. Both have joint funded dedicated officer to lead on devising further sets of protocols across a range of interfaces between Housing Options, Children's Services and Adult Social Care.
- 3.15 Partly in response to the Ombudsman's report, an independently facilitated workshop between housing and social work professionals took place on 19th February 2010 to build understanding and awareness, and to facilitate more effective communication regarding case management.

Housing Options information pack

- 3.16 The Ombudsman recommended that written information on housing options be provided to homeless applicants because in the case of Ms K she appeared confused as to what her options were.
- 3.17 Managers are to progress the introduction of Housing Options information packs which will be provided to each customer while they are waiting for an interview. The packs will detail information about their housing and employment options and draw on good practice elsewhere.
- 3.18 It is anticipated that this information will be ready within the next two months.

Case recording

- 3.19 Managers and front-facing staff in the Division have started work on communications standards are now completed.
- 3.20 The Assistant Director Housing Options has directed that more robust case file audits be applied by all operational managers at supervision meetings and that heads of service undertake quarterly random case file audits.

Investigations

- 3.21 The Ombudsman also found that Housing Officers required numerous form filling by Ms K but few of these documents were signed and dated by either her or by officers, thereby hampering a clear chronology of events
- 3.22 Housing Officers have been reminded that when they require customers to declare information, or where they are providing supplementary documentary evidence, this should always be signed and dated. Managers will be vigilant in this regard when undertaking case reviews.

Conclusions

- 3.23 Since 2008, the Housing Options Division has been seeking to extend its services to non priority needs cases, including single women without children fleeing domestic violence, by developing a rent deposit guarantee scheme and progressing a programme for ex-offenders linking them to accommodation and work. In these ways, the Division is extending the support provided to people in housing need beyond the offer made by most authorities. The Division's approach to domestic violence has recently been commended by Standing Together, the Borough's Domestic violence Forum.
- 3.24 The Division has begun transforming its services via the Department of Communities and Local Government supported "enhanced housing options trailblazers (extra) programme". The Council was one of only 11 authorities selected to mentor other authorities to adopt a successful homelessness prevention and housing options approach. So far, Birmingham, Manchester, York, Barnet, and Oxford have been to visit to see the Division's approach in action. This work has become a much wider change management programme across the Division with a clear focus on making services person centred. Recently all staff have attended enhanced housing options training, along with representatives from the West London boroughs and Registered Social Landlords. Again, the focus of this intervention has been on viewing customers "in the round" and working with them in a personalised and not process-driven way. This training was very well received by staff and it is to be rolled out across West London. The training provided will help improve considerably the quality of our customer care.
- 3.25 The Housing Options Division takes the findings of the Ombudsman very seriously and has strongly committed itself to ensuring that it continues to improve its services by learning the lessons from this case.

4.0 RESPONSE TO THE LOCAL GOVERNMENT OMBUDSMAN

- 4.1 The Assistant Director Housing Options met Ms K to hand her a cheque for £750 and to offer the Council's sincere apologies on behalf of the Housing

Options Division and the Council for the lapse in the standard of service that she experienced.

- 4.2 After a thorough investigation it is clear that this was an exceptional case which is not typical of the Housing Options Division's general approach to homeless people.

5. CHIEF EXECUTIVE'S COMMENTS

- 5.1 The Chief Executive, immediately upon receipt of the Ombudsman's report, wrote directly to the complainant to convey the Council's regret and to formally apologise, which was personally delivered by the Assistant Director Housing Options when he met Ms K. Compensation has been paid. The Chief Executive will write directly to the complainant and the Local Government Ombudsman, explaining the actions already taken on new procedures and to set out the proposals in this report for redress to the complainant.

6. COMMENTS OF DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1 The compensation of £750 is considered appropriate and is in line with general guidance from the Ombudsman on redress.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 These are combined in the body of the report.

LOCAL GOVERNMENT ACT 2000
BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
No.1	Local Ombudsman report	Lyn Anthony Ext. 1011	Department of Finance and Corporate Services - Executive Services. Room 225 HTH