

**APPENDIX 3
(Minute 69)**

**REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN FINDING
MALADMINISTRATION BY THE COUNCIL**

A. Statement by the Leader of the Council

Mr Mayor, I'd like to make a short statement in response to the recent report from the Local Government Ombudsman.

First, I'd like to thank the Ombudsman for the thoroughness of her report. The report considers the case of 'Miss Ford' (not her real name) and her family.

Miss Ford's daughter, Anna, is disabled and has clear housing needs – but the family encountered problems accessing a property that was suitable for these needs. The Ombudsman found that Council failed to fully consider its duties under the Disability Discrimination Act, when it did not re-house Miss Ford and her family in this suitable property, even though she had top priority.

In this case, the way the Council applied its processes was far too rigid – which led to a series of poor decisions being made and the family missing out on suitable accommodation. We do not contest the Ombudsman's findings and have set about reviewing and improving the way we work with families like the Fords where disability is a major consideration.

I'd like to take this opportunity to apologise to Miss Ford and to Anna, for the anxiety they have been through in recent months. Officers have already contacted the family, apologising for the way we dealt with their housing application.

We have now identified a property that is suitable for the Ford family and I'm pleased to say that they will shortly be moving in as soon as the necessary alterations are made to meet Anna's needs – I wish the family well in their new home.

I am grateful to the Ombudsman for her recommendations which, on Council's agreement, we will implement quickly and in full. This includes making a compensation payment to the family, arranging and paying for an additional week of respite care for Anna and reviewing the precise wording of our lettings policy.

And we're looking to go further than this. We're reviewing all of the policies, practices and procedures that led to the poor outcome in this case. The current review of the housing allocations policy will be completed as soon as possible and include consultation with disability groups. The new policy that will come before Cabinet will be accompanied by a comprehensive Equality

Analysis and all staff will undergo refresher training so they are familiar with our obligations under equality legislation.

Current housing applications are to be reviewed, to ensure that full account is taken of any obligations under the Equality Act. Comprehensive information and guidance will be provided and we will improve the experience and treatment of disabled and vulnerable applicants and tenants.

Next year's housing budget will fund a specialist Occupational Therapist dedicated to supporting disabled tenants and prospective tenants get the housing they need as quickly as possible.

No Council takes any pleasure from being subject to an Ombudsman investigation, Mr Mayor, but what's important is how that Council responds to the findings.

I believe we have used the Ombudsman's investigation as it should be used – to help us improve our service to residents, by recognising where we've got it wrong in the past and acting swiftly to put it right.

B. Question under CPR 11.7

Question by Councillor Ray Morgon

In accordance with Council Procedure Rule 11.7, Councillor Ray Morgon has submitted the following question relating to the content of this report:

- a) Was the complaint at any time referred to the Equalities Manager or Legal Officer to ascertain whether we were vulnerable to breaches of any legislation and why did the Director/Head of Service not pick up these issues before the matter was referred to the Ombudsman?
- b) Under the new Housing Allocation policy there is no mention of 'disabilities'. Will this now be included and why has it been 'in hand' for some time?

Reply by the Leader of the Council

It should be borne in mind that, until the applicant referred to as Miss Ford in the Ombudsman's report submitted her complaint there was no reason to suppose that the processing of the application had been any different to the hundreds of others dealt with each year. Only once the Ombudsman began her investigation did it become apparent that all was not as it should be.

In response to the specific points raised:

- (a) Miss Ford complained to the Council initially in August 2010. Although she did refer to her disabled daughter, her complaint was expressed as dissatisfaction with her housing circumstances and was responded to on this basis in September. When subsequently she wrote to the Ombudsman, she concentrated on the fact that, despite having been told she had been successful in her bid for a property, the property was re-classified and given to someone else.

The Ombudsman did not begin an investigation until more than six months after the decision complained of had been taken.

At the outset, the focus of the Council was on finding out what had gone wrong with the allocation process and responding to the Ombudsman's enquiries which were of a general nature, with no suggestion that there had been any infringement of equalities legislation. That suggestion only emerged from the Ombudsman much later, when her Provisional View (PV) raised the question of infringements of the Disability Discrimination Act.

Thus this aspect of the complaint did not come to the attention of senior managers any sooner than almost at the end of the investigation. The matter was therefore not referred to legal or equalities officers during the early stages of the complaint.

The error made by the Housing Service was that a property had been advertised as a "three bedroom property with a parlour", which - on closer inspection, after it had been advertised - should have been advertised as a four bed property.

The complainant, Miss Ford, would have been allocated that property had it continued to be regarded as a three bed property but she was not considered entitled to it, solely on the basis of family numbers, and it was allocated to a family with housing need for a four bed house - which are much rarer in the borough.

In doing this, staff did not take account of the specific needs of the disabled person within Miss Ford's household which, in hindsight, was a regrettable error. That they had also changed the designation of the property and reallocated it in the manner they did, is also a matter of regret.

- (b) The legislation enabling changes to the Allocations Policy was enacted in November 2011 and does not come into force until April 2012. We are currently consulting on a proposed new allocations policy and this will be reported to Cabinet later this year. It takes time to introduce new allocations policies and in this case it is in part because the new legislation is not yet in force and also because extensive consultation with partners on changes to the allocations policy is required. There is

no new policy yet, but medical, social care and other special needs will be taken into account when assessing applications, and it is certain that this will form part of the new policy - as it currently does.

The Council's Diversity Programme Team and legal staff are, of course, among those being consulted.

The report to Cabinet that will, in due course, complete this exercise will include an Equalities Impact Assessment so that Members will be able to make an informed decision.