


Cabinet 29 January 2020	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director, Place	Classification: Unrestricted
Local Government and Social Care Ombudsman, Determination of Outcome	

Lead Member	Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing
Originating Officer(s)	Rafiqul Hoque - Head of Housing Options Ruth Dowden, Head of Information Governance
Wards affected	All wards
Key Decision?	No
Community Plan Theme	A borough that our residents are proud of and love to live in

Executive Summary

The Local Government and Social Care Ombudsman issued a Report finding fault with the way in which Miss X's homeless application was dealt with by the council when she became threatened with homelessness in February 2019 and homeless in March 2019. The Ombudsman found there was significant fault in the handling of Miss X's case causing her injustice.

Homelessness is a significant topical issue, following a change in the relevant law in April 2018 with the introduction of the Homeless Reduction Act.

The Council is in agreement with the Ombudsman recommendations and has taken steps to remedy the injustice these faults can cause homeless people.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the content of the Report
2. Note the action taken in Housing Options service to remedy the situation

1. REASONS FOR THE DECISIONS

- 1.1 The Council accepts the Local Government Ombudsman's findings and will implement the recommendations made.

2. ALTERNATIVE OPTIONS

- 2.1 The Council does not wish to challenge the decision of the Local Government Ombudsman, which is the only alternative option available.

3. DETAILS OF REPORT

- 3.1. The Commission for Local Administration in England, commonly known as the local Government Ombudsman (LGO), was established under the Local Government Act 1974 (amended by the Local Government and Housing Act 1989) to consider complaints against local authorities and other public bodies. Their remit is broad and covers actions of the authority that fall under the corporate complaints procedure, statutory Adults Social Care complaints and statutory Children's Social Care complaints. The notable exception to their remit, since April 2011, is non-strategic housing complaints which are considered by the Housing Ombudsman.
- 3.2. Since 2013, arising from the Local Government and Public Involvement in Health Act 2007, the LGO has issued and published either a 'statement of reasons' or 'report' of their findings for each complaint.
- 3.3. Over and above this requirement, complaints to the Council where fault (or maladministration) is found and a formal report against the council is issued, should also be considered by Cabinet (executive functions) and full Council (non-executive functions).
- 3.4. **Summary**
- 3.5. This complaint relates to poor record keeping by the Council and how the Council handled Miss X's homelessness application when she became threatened with homelessness in February 2019 and homeless in March 2019. She complained about Council officers' approach towards her and a lack of action to help her find somewhere to live. Miss X stayed in unsuitable, unfurnished interim accommodation while pregnant. This has affected her physical and mental health.
- 3.6. **Findings: The council was at fault when it:**
- 3.7. Did not take sufficient action to prevent Miss X's homelessness;
- 3.8. Delayed assessing her and issuing her Personalised Housing Plan (PHP);
- 3.9. Did not review the assessment and PHP when circumstances changed;

- 3.10. Applied too high a threshold when deciding whether to provide her with interim accommodation when she became pregnant in May 2019;
- 3.11. Did not properly consider the suitability of the interim accommodation it then provided;
- 3.12. Did not review the suitability of that accommodation when Miss X asked it to;
- 3.13. Did not take sufficient action to relieve Miss X's homelessness; and
- 3.14. Delayed making inquiries to consider whether it owed Miss X the full housing duty.

4. Action

- 4.1. The Housing Options Service undertook preparations by way of training and IT system changes to manage the introduction of the Homelessness Reduction Act in 2018. Those preparations involved training on the Act and a new IT module which was purchased to meet the requirements of a new HCLIC data requirement replacing P1E, and a review of processes to provide the relevant statutory notices that were required to apply new prevention and relief duty. Briefings and presentations were provided to staff to raise awareness of the changes which came into effect. Despite this preparation it is unfortunate that our service fell short of the Act's expectation in relation to Ms X almost a year on since the Act was enacted.
- 4.2. Our efforts to help Miss X have now resulted in her being assisted with temporary discretionary housing payment to secure affordable accommodation in the private rented sector. In line with what the Act says we can provide by way of relief and homelessness prevention.
- 4.3. Letter of apology will be sent to Miss X
- 4.4. £1,000 compensation will be remitted to Miss X's account
- 4.5. We are continually reviewing our ways of working and have taken steps to bring extra resources into the service and have recruited a backlog team who are working through backlog cases. In addition, 4 officers have been recruited to assist in dealing with new clients as they present to the service to enable officers to work in line with the law.
- 4.6. Further action we are taking relates to the Temporary Accommodation Bookings Team who will ensure that all factors are taken into account when assessing suitability of accommodation and that these are recorded on the file for future reference.
- 4.7. Although there is no statutory duty to review an offer of s188 accommodation, which is emergency temporary accommodation provided by the Council to relieve homelessness, the Council will agree a procedure for reconsideration

of the suitability of s188 accommodation when concerns are raised by the client or their representative.

- 4.8. The service will be increasing staffing level which will be funded through FHSG to enable some of the workload pressures to be addressed in the long-term. It will enable employees to manage their work more effectively and meet the requirements of the law, increase preventions, ensure accurate recording of data and more detailed recording keeping. The additional posts will ensure further backlog of cases does not occur once the current backlog is cleared.
- 4.9. Staff have recently had training on the Homelessness Reduction Act one year on (HRA) from Andy Gale, who is a specialist housing trainer on this topic. Andy Gale will be attending on 21 January 2020 to hold a further session with managers, and also cover a briefing session for the housing management team looking at suitability.
- 4.10. In addition, training is being organised through Shelter on Homelessness Reduction Act, which will look at Personal Housing Plans (brought in by the Act) from a reflective practice perspective. The training is funded by MHCLG. This will be in addition to the on-going training staff receives as part of their personal development plan.
- 4.11. IT improvements will continue to be made to ensure systems are streamlined and reduce duplication of work and ensure efficiency in service delivery. Off-line forms are being devised to enable applicants' to complete key forms to speed up the assessment process
- 4.12. Managers will be trained on Reflective Practice to enable them to hold sessions with their own teams. The plan is also to hold service wide sessions from February 2020 onwards which will allow staff to share their thoughts and ideas for service improvement.
- 4.13. Our work doesn't stop there. Valuable insight from the Employee Survey is being used to address the barriers that staff have identified to delivering the good service. Delivering the service through a 'prevention and a customer journey' lens will form the basis of a service improvement plan; looking at, customer flows and pathways, channel shift, improved IT, collaborative working across teams with clarity of purpose/policies and procedures that support the work of the teams. The PMO has been engaged to support the programme and a high level business case will be ready for the end of January. The Divisional Director, Housing and Regeneration, will lead the service improvement.

4.14. The Council submitted a response to the recent MHCLG call for evidence on the implications of the Homelessness Reduction Act. Our response identified the following:

- Increasing footfall from single people, non-availability of suitable housing options and the need to clarify requirements under the interim duty.
- Tower Hamlets has seen an 82% increase in the number of hotel placements for non-family households (singles and couples).
- Staff recruitment, retention and ongoing training and development issues.
- Inefficient IT systems and issues with H-CLIC;
- More bureaucracy since Act introduced and increased administrative burdens. Customer journey longer and difficulties in managing expectations.

4.15. A number of calls were placed on the Government to increase funding and bidding opportunities and to review housing and welfare policies.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

5.1. There are no material financial implications directly emanating from this report. Any costs incurred as a result of the Council's failings such as a compensatory payment to Mrs X will be met from existing budgetary resources.

5.2. The backlog team is being funded from New Burdens money and is not a direct pressure on revenue budgets. This is a time limited resource and will be met from reserves. The additional posts to enable some of the workload pressures to be addressed will be funded by Flexible Homelessness Support Grant.

6. LEGAL COMMENTS

6.1. The Council has a duty under S188 the Housing Act 1996 ("HA 1996") to secure that accommodation is available whilst enquiries are being made, where they have reason to believe that eligible applicants are not intentionally homeless and in priority need. There is a continuing obligation to provide suitable accommodation. (S206 HA 1996).

6.2. The Homelessness Reduction Act ("HRA") introduced with effect from 3 April 2018 places additional duties on the Council, requiring it to intervene earlier and take steps to prevent homelessness and to provide relief from homelessness. Homeless applicants are entitled to assistance to avoid becoming homeless, those already experiencing homelessness are able to access assistance regardless of whether they have a priority need.

- 6.3. Following an assessment, a personalised homelessness plan must be agreed with all eligible homeless applicants or those threatened with homelessness and should be kept under review.
- 6.4. When considering its approach to homelessness, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; the need to advance equality of opportunity; and the need to foster good relations between persons who share a protected characteristic and those who do not.
- 6.5. The Local Government & Social Care Ombudsman (“LGSCO”) investigates claims where there are allegations of maladministration by a public body. This includes a failure to follow its own procedure or statutory procedures which result in a personal injustice to the complainant. Where there is a finding of maladministration or a failure in a service that is a function that the authority provides, the LGSCO must issue a report.
- 6.6. Once the report has been published, the public body has three (3) months (or longer if agreed) to notify the LGSCO of the action that it has taken or intends to take.

7. OTHER STATUTORY IMPLICATIONS

- 7.1. This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

Risk Management Implications

- 7.2. The employment of additional staff will ensure backlog of work is completed within the next 6 months, and mitigate any risks arising out of this complaint. It will ensure council is able to comply fully with the requirements of the law.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

Appendix 1 - Ombudsman Report – Reference 19 000 068

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

None

Officer contact details for documents: N/A