



<u>Committee and Date</u>
Council – 15.12.2022

<u>Item</u>
Public

Local Government and Social Care Ombudsman Report Finding of Fault with Injustice

Responsible Officer: ANDY BEGLEY

e-mail: Andy.Begley@shropshire.gov.uk Tel: 01743 258911

1. Synopsis

- 1.1 This report is presented to Members as required by legislation following an investigation into a complaint to the Local Government & Social Care Ombudsman (LGSCO) which related to a housing matter.

2. Executive Summary

- 2.1 The LGSCO has investigated a complaint made against the Council and as a result has issued a report which Members will find attached at Appendix A.
- 2.2 The overall finding of the LGSCO is 'Fault found causing injustice and recommendations made'.
- 2.3 Members will note that all the recommendations of the LGSCO have been complied with (including bringing this report to Council).

3. Recommendations

- 3.1 That Members note the content of the LGSCO report attached at Appendix A and the actions taken to date, to comply in full with the LGSCO's recommendations.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 The Local Government Act 1974 requires the Council on a finding of maladministration to consider the LGSCO's report within three months of the date of receipt of the report (or such other period as agreed with the LGSCO) and to notify the LGSCO of the action which

the Council propose to take or that which they have taken. Failure to do this will result in a further report from the LGSCO.

5. Financial Implications

5.1 The decision of the LGSCO required the Council to make several financial payments as set out in its report attached at Appendix A. These were to pay Mr X as follows:

- £500 for distress and uncertainty;
- £1,050 for failing to provide suitable accommodation for three months from 20 October 2021 to 26 January 2022;
- £2,450 for failing to provide suitable accommodation for seven months from 26 January 2022 to 26 July 2022.

5.2 The total cost of the LGSCO recommendations is £4,000.

6. Climate Change Appraisal

6.1 There are no climate change implications arising from this report.

7. Background

7.1 The LGSCO has investigated a complaint made against the Council and as a result has issued a report which Members will find attached at Appendix A. Members will note that the report has been anonymised to protect the identity of the complainant.

7.2 Members will note from the Report Summary at page 3 of the report that Mr X complained to the Council regarding the following issues (Note the findings of the LGSCO are in bold italics):

- had not found him accommodation since he became homeless in July 2021, leaving him sleeping rough in a garage and his car – ***The LGSCO found fault causing injustice.***
- lowered his banding on the housing allocations register from Gold to Bronze over two months in error (around December 2021) – ***Not Upheld and no finding of fault.***
- refused him a payment from its welfare fund and ignored his request to review that decision, leaving him without funds for a blanket and toaster – ***Not Upheld and no finding of fault.***
- communicated poorly with him – ***The LGSCO believes the Council's communication fell short, but they did not make any separate finding of fault.***

7.3 The overall finding of the LGSCO as set out at page 3 of the report is 'Fault found causing injustice and recommendations made'.

7.4 To remedy the injustice caused the LGSCO states the following must be complied with (Note the updates by the Council in Bold Italics):

- apologise to Mr X in writing
– ***completed 24.11.2022***

- offer Mr X suitable temporary accommodation under its main housing duty
 - ***interim accommodation was provided 13.10.2021***
 - ***temporary accommodation was provided 18.08.2022***
 - ***funding for rent in advance amounting to £600 alongside £110 for bedding to access private rent accommodation to fulfil the Councils main homeless duty was provided on 13.10.2022.***
- pay Mr X £500 for distress and uncertainty
 - ***completed 25.11.2022***
- pay Mr X £1,050 for failing to provide suitable accommodation for three months from 20 October 2021 to 26 January 2022
 - ***completed 25.11.2022***
- pay Mr X £2,450 for failing to provide suitable accommodation for seven months from 26 January 2022 to 26 July 2022
 - ***completed 25.11.2022***
- provide training or guidance to its housing team to ensure they understand the Council's duties to provide accommodation under the Housing Act 1996, with reference to this decision
 - ***Shelter Training 'Homelessness Duties' completed by team 13.10.2022***
- The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)
 - ***completed at Council on 15.12.2022 and thereafter we will write to the LGSCO with the outcome.***

7.5 The Local Government Act 1974 requires the Council, where there has been a LGSCO report and a finding of fault, to publicise the finding in the local press and make copies of the report available to the public. These requirements have been complied with.

7.6 In addition, the Council is required to formally consider the LGSCO's report. This report complies with the statutory requirement in that regard.

7.7 To confirm, all actions recommended by the LGSCO have been complied with.

7.8 Further to the recommendations made by the LGSCO the Council has reviewed the case to determine what lessons can be learnt and is in the process of reviewing all its homeless duty decision letters to ensure that any homeless duty awarded to clients is stated in plain English and an easier to understand format.

8.0 Conclusion

8.1 In light of the statutory requirement to present the LGSCO's report to Members, Members are asked to note the actions taken because of the complaint and to note the LGSCO's report.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)
--

Cllr Dean Carroll - Portfolio Holder - Growth, Regeneration and Housing

Local Member

Appendices

Appendix A – 22 10 17 Final Report
