

SCRUTINY COMMISSION

MINUTES OF THE MEETING HELD ON MONDAY, 17 JULY 2023

Councillors Present: Carlyne Culver (Chairman), Antony Amirtharaj, Paul Dick, Erik Pattenden, Justin Pemberton, Christopher Read, Stuart Gourley (Substitute) (In place of Geoff Mayes) and Howard Woollaston (Substitute) (In place of Ross Mackinnon)

Also Present: Eric Owens (Service Director - Development & Regulation), Nick Caprara (Housing Strategy Development & Review Manager) and Clare Lawrence (Executive Director - Place), Councillor Denise Gaines (Executive Portfolio Holder: Highways, Housing and Sustainable Travel) and Gordon Oliver (Democratic Services)

Apologies for inability to attend the meeting: Councillor Dominic Boeck, Councillor Ross Mackinnon and Councillor Geoff Mayes

PART I

16. Declarations of Interest

Councillor Howard Woollaston declared an interest in Agenda Item 3 by virtue of the fact that he had previously been the Executive Portfolio Holder for Housing, but this did not coincide with the period when the relevant housing application had been determined. He reported that, as his interest was personal but not prejudicial, he would remain to take part in the debate and vote on the matter.

17. Local Government and Social Care Ombudsman Report Decision Review

Nick Caprara (Service Lead – Housing) presented the report on the Local Government and Social Care Ombudsman Report Decision Review (Agenda Item 3).

Eric Owens (Service Director – Development and Regulation) made the following comments:

- The situation was hugely regrettable.
- Mitigation had been put in place and he was confident that the risk of a future incident happening again would be minimised.

The following points were raised in the debate:

- Members asked if other clients could have suffered a similar experience, but had not registered formal complaints. Officers felt this would be unlikely – they had analysed their data, looking for presentations involving both homelessness and domestic abuse, and were comfortable that both their own processes and the Council's complaints process were robust.
- Clarification was sought as to what changes had been made to processes by the Housing Service. It was explained that as part of the Service Improvement Plan, a fundamental review of the training programme had been carried out. All of the documentation that homelessness prevention relief officers used had been reassessed. All cases that had been to the Local Government and Social Care Ombudsman in the last three years had been discussed with front line staff to ensure

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that lessons were learned, even when the Council was not found to be at fault. This helped to improve the customer experience. On the back of this case, further detailed training had been carried out with front line staff and documentation had been discussed with teams and individuals. As such, officers were comfortable that there should not be a repeat incident in future.

- A question was asked about any open actions still to be implemented in response to lessons learned from this case. It was confirmed that there were no outstanding actions.
- Members noted that a client had been failed while at their lowest ebb and asked if this was due to the failure of an individual officer, a lack of understanding of the legislation by the wider team. Officers suggested that it would be unfair to blame an individual, but lessons had been learned. What should have happened was that West Berkshire Council should have opened the homelessness case, rather than leaving it to another local authority.
- The question regarding whether the fault was with the individual or the wider team was repeated. It was confirmed that the process was the issue. The service had been in the process of implementing a Service Improvement Plan and the training and support for staff had not been in place when this application had been made.
- Members acknowledged that not only had the service been going through a period of change, but there had been a lack of resources within the team. Clarification was sought as to whether this situation could be repeated. Officers explained that the service had experienced a significant churn in staff and had been running with a 40% reduction in front line staff. The current situation was much better, with just one fixed term vacancy in the service. Members observed that clients could not plan their crises to match periods when the service was fully staffed.
- Reassurance was sought that the Council had sufficient budget and facilities for interim housing. Officers recognised that this was a challenge, since demand tended to fluctuate. The Council had a stock of temporary accommodation to cater for families in emergency need. These included self-contained properties owned by the Council or leased from Sovereign Housing and other landlords. However, hotels also had to be used due to the level of presentations in the last 12 months. Discussions were ongoing with the Executive Portfolio Holder as to how the Council could reduce reliance on expensive hotel accommodation, which did not provide the appropriate level of accommodation.
- Members asked about what had been done to improve communication with other local authorities. Officers explained that there were regular Berkshire-wide meetings on topics such as rough sleeping, homelessness, delivery of affordable housing, migration, etc. This had led to improved working relationships and it was felt that previous tensions should not reoccur.
- It was noted that the Council had refused to provide assistance in this case because the circumstances were not exceptional, but this did not seem to fit with the description of the incident. Members sought reassurance that if a similar case occurred in future, support would be provided. Officers confirmed that this was the fundamental lesson that had been learned from this case and that in future, the Council would put the needs of the individual first, putting accommodation in place before having the conversations with the other local authorities regarding who would pay for it.
- It was advised that a previous Executive Portfolio Holder for Housing had recognised that there had been a significant issue with the Housing Service and had put in place

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a revolutionary change programme with around 80 action points, which had a dramatic impact on service quality and the current service was praised as outstanding.

- Members noted that this case involved domestic abuse as well as homelessness and asked if the case should have been referred to Social Services. Officers confirmed that if a similar case presented today, then there would be engagement by Adult Social Care and Children's Services as a matter of course. It was noted that there were three other elements related to this case where the Ombudsman found that the Council had no case to answer, which related to the complaints process, payment of discretionary housing payments and the housing allocation.

The Chairman invited members to consider what additional recommendations should be made – the following aspects were discussed:

- It was suggested that consideration be given to how the service should be audited. Officers confirmed that the service undertook regular serious case reviews with the Legal Team. Also, quality assurance reviews were undertaken for homelessness and housing register applications. The Housing Register processes were audited last year and a further audit was planned for the Homelessness and Temporary Accommodation process.
- Another suggestion was made in relation to operational resilience, where issues commonly occurred around the interface with suppliers. It was recommended that the service should take an assumption of responsibility and ownership of any case / issue until written confirmation had been received from the other party that they had taken ownership. Officers confirmed that this mirrored their own thinking.
- Further suggestions were made for training programmes to include contributions from clients or charities representing people who had experienced homelessness. It was confirmed that the Council had set up a Homelessness Strategy Group, which included Members, officers and representatives from charities and registered providers. Clients from a homeless hostel had attended previous meetings to provide lived experience context, but officers were happy to ensure that this was done in future.

Councillor Howard Woollaston proposed that the Housing Service should:

- (1) take an assumption of responsibility and ownership of any case / issue until written confirmation had been received from the other party that they had taken ownership; and
- (2) include contributions from clients or charities representing people who had experienced homelessness within its training programmes.

The motion was seconded by Councillor Erik Pattenden.

At the vote, the motion was approved.

Resolved that: the Housing Service should:

- (1) take an assumption of responsibility and ownership of any case / issue until written confirmation had been received from the other party that they had taken ownership; and
- (2) include contributions from clients or charities representing people who had experienced homelessness within its training programmes.

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(The meeting commenced at 6.30 pm and closed at 7.00 pm)

CHAIRMAN

Date of Signature