
Local Government Social Care Ombudsman report decision review

Committee considering report:	Scrutiny Commission
Date of Committee:	17 July 2023
Portfolio Member:	Councillor Denise Gaines
Date Portfolio Member agreed report:	
Report Author:	Nick Caprara
Forward Plan Ref:	

1 Purpose of the Report

- 1.1 To provide details on the recent case which was reviewed by the Local Government and Social Care Ombudsman (LGSCO). Following investigations, the LGSCO upheld their decision and found there to have been maladministration and injustice in relation to how a homelessness application was managed in December 2020. As part of the sanctions which have been imposed by LGSCO the Council are required to consider the Ombudsman's report at a decision making body made up of elected members.

2 Recommendation(s)

- 2.1 To note the findings of the LGSCO in reaching the decision on this case and to consider the actions which have been taken in order to improve how similar cases are managed in the future.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	Compensation payment was made in line with LGSCO recommendations in February 2023.
Human Resource:	None
Legal:	LGSCO have made a number of recommendations which are in the public domain and which the Council have agreed should be followed.

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Risk Management:	A lessons learned exercise has been undertaken at an operational level to review all elements of the case. Where the LGSCO deemed there to have been a failure on behalf of WBC the details have been reviewed in order to ensure there is no risk of repeated service failure.			
Property:	Relates to the provision of accommodation under Homelessness legislation duty.			
Policy:	The findings of this case relate to statutory homelessness presentations in line with the Homelessness Reduction Bill.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	x			The findings of the Ombudsman determine that an injustice took place and as a result remedial measures have been implemented to prevent this injustice from occurring at any time in the future.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	x			
Environmental Impact:		x		None
Health Impact:	x			Provision of suitable accommodation at the initial time of presentation to the local authority would ensure that households who have been subjected to abuse or trauma can receive appropriate support during a time of crisis.

ICT Impact:		x		None
Digital Services Impact:				None
Council Strategy Priorities:	x			<p>Reviewing operational procedures will make a positive impact in achieving the Council Priorities:</p> <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential <p>This will be achieved through supporting household's into more suitable accommodation at the point of presentation.</p>
Core Business:				<p>Contributes to:</p> <p>Ensure our vulnerable children and adults achieve better outcomes</p> <p>Support everyone to reach their full potential</p>
Data Impact:				None
Consultation and Engagement:	<p>Housing Service</p> <p>Legal Services</p> <p>Adult Social Care</p> <p>Children's Services</p> <p>Customer Services</p>			

4 Executive Summary

4.1 To provide details on the recent case which was reviewed by the Local Government and Social Care Ombudsman (LGSCO). Following investigations, the LGSCO upheld their decision and found there to have been maladministration and injustice in relation

to how a homelessness application was managed in December 2020. As part of the sanctions which have been imposed by LGSCO the Council are required to consider the Ombudsman's report at a decision making level.

5 Supporting Information

Introduction

5.1 This report sets out the details of the findings by the LGSCO and the elements of the case where maladministration and injustice had taken place in relation to how a homelessness case had been managed in December 2020. Full details setting out all of the findings of the LGSCO are provided in the related appendix.

Background

5.2 In December 2020 the Council received a homelessness application from a client who was fleeing the threat of violence from another local authority area where she held a social housing tenancy. Following police advice she was placed in a hotel by that local authority as her tenancy was no longer considered to be safe for her and her family.

5.3 Ms X complained the Council refused to accept a homelessness application when she had to leave her home due to threats of violence. In her complaint to the LGSCO Ms X also complained that the Council had delayed dealing with her housing register application, as well as her application for assistance from the Discretionary Housing Payment fund which is administered by Housing Services and in the handling of her complaint.

5.4 Appendix 1 as attached is the report detailing the full finding's of the LGSCO into this case.

5.5 This report confirms that the decision that Ms X had been subjected to maladministration and injustice solely related to the handling of the initial homelessness application process. No further action regarding the other elements of the complaint were proposed and the LGSCO acknowledged that an apology had already been made due to a delay in a review being undertaken.

5.6 Following receipt of the LGSCO report officers have taken steps to implement the recommendations of the LGSCO.

5.7 Ms X was issued with a formal apology on 8th February 2023 and the compensation payment of £500 was process on 9th February 2023.

5.8 The Council is also required to review its processes to ensure that it accepts homelessness applications and provides interim accommodation in line with the law and guidance and provide guidance and/or training to staff following that review.

5.9 This incident where took place in December 2020. At this time the Housing Service was in the midst of a major Service Improvement Plan in order to improve the level of services being delivered to customers. Since December 2020 all processes relating to the Housing Operations service which is responsible for managing the Councils' homelessness function have been reviewed and updated. Clear processes have been developed to ensure that staff are aware of their statutory obligations as well as good practice as specified in the Homelessness Code of Guidance for Local Authorities.

Proposals

- 5.10 The LGSCO report highlight that the operational practices in 2020 failed to adequately support a vulnerable client. While this was not the intention of officers working on the case at that time, this case has highlighted that there were issues with the way the Council interpreted legislation at that time and how this directly impacted the advice and assistance that was given to a client fleeing a violent situation.
- 5.11 A review of operational procedures and training requirements has been undertaken since 2020. Front line staff and managers have received on-going training and support relating to case law and changes in good practice guidance. This will continue on an on-going basis.
- 5.12 The LGSCO in their final report ask for the Council to confirm the action which has been taken or is intended to be taken.
- 5.13 The findings of the LGSCO and the full report have been shared with staff as part of the service's ongoing continuous improvement process and this has been discussed with operational teams during team meetings and lessons learned have been identified.
- 5.14 The service is currently undergoing further recruitment to fill long term vacancies. As part of this exercise further training will be provided to all staff through specialist external training to ensure all staff have been equipped with the knowledge and understanding of the interpretation of the legislation in order to ensure that vulnerable clients do not have a similar experience when they engage with the Council for help and assistance.

6 Other options considered

- 6.1 Do nothing was not considered to be an appropriate option in the circumstance as the requirement of the LGSCO was to review the findings with elected members following the decision that the client had suffered maladministration in relation to their case.

7 Conclusion

- 7.1 The outcome of this case is regrettable and officers acknowledge that how this issue was handled could have been avoided. The events occurred at a time when the Housing Service was in the midst of a fundamental Service Improvement Plan.
- 7.2 Since this occurred, there has been a significant churn in staff resources as well as the implementation of new operational processes and practices relating to how homelessness applications are assessed, and how the Council manages clients who are fleeing threats of violence.
- 7.3 As a result officers feel confident that the manner in which this initial element of the case was handled in December 2020 will not re-occur. The operational process centres on ensuring that clients are provided with suitable accommodation at the point of presentation. Any debate around liability for ongoing rehousing obligations or financial commitment will not impact the service provided to the customer.

8 Appendices

8.1 Appendix A – LGSCO Final Report (separate pdf document)

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: N/A

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