

The Ombudsman's final decision:

The Council kept Mr X and his family in unsuitable interim accommodation for longer than it should have and delayed in making a decision on his homelessness application. A suitable remedy has been agreed.

The complaint

1. Mr X complains the Council delayed making a decision on a homelessness application and kept him and his family in unsuitable interim accommodation for longer than allowed by statute.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints of fault where someone says it has caused them injustice. If the Ombudsman finds fault but no injustice, she will not ask a council to provide a remedy. If she finds both fault and injustice, she may ask for a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
3. The Ombudsman investigates complaints of injustice caused by fault. She can consider the way an authority makes its decisions, but it is not her role to comment on them unless they have been taken with fault. (*Local Government Act 1974, section 34(3)*)
4. The Ombudsman has the power to decide whether to start, continue or discontinue an investigation into any complaint. (*Local Government Act 1974, section 24A(6)*)

How I considered this complaint

5. As part of the investigation, I have:
 - considered the complaint and the documents provided by the complainant;
 - made enquiries of the Council and considered the comments and documents the Council provided;
 - discussed the issues with the complainant.

What I found

6. In October 2011 Mr X's landlord served him with a notice to leave his private rented accommodation. The Council provided advice about when it would be able to provide further assistance.
7. In February 2012, an officer visited Mr X at home to take his homelessness application.

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8. Mr X and his family moved into bed and breakfast accommodation in March 2012. The Council says it cancelled this accommodation in May 2012 because Mr and Mrs X were not using the accommodation. The Council moved the family into another bed and breakfast guest house on 31 May 2012. In June 2012 the family moved into a council run hostel.
 9. After taking the homelessness application, the Council had a duty to look into Mr X's circumstances and decide if it owed him a duty to provide accommodation. The Council was entitled to carry out any necessary investigations in order to make this decision. The information provided shows that while the Council did make enquiries about Mr X's circumstances and finances it did not do this in a timely manner. The Council's first enquiries were made in April 2012. In June 2012 it sought further information from both Mr X and his previous landlord.
 10. The last enquiries made by the Council were in June 2012. The Council then appears to have taken no further action until it made a decision in October 2012 that it did have a duty to accommodate.
 11. The Council rehoused Mr X and his family in February 2013.

Analysis

12. When a person applies for accommodation and the council has reason to believe they may be homeless or threatened with homelessness, a number of duties arise. These duties include making enquiries, telling the applicant of the decision in writing and, in certain circumstances, securing suitable accommodation awaiting the outcome of the enquiries.
13. The Homelessness Code of Guidance for Local Authorities, issued by Government in 2006, recommends that housing authorities aim to complete their enquiries within 33 working days.
14. The Homelessness (Suitability of Accommodation) (England) Order 2003 provides that bed and breakfast accommodation is not suitable accommodation for families with children unless there is no alternative accommodation available and then only for a maximum of six weeks.
15. The Council accepted Mr X's homelessness application on 21 February and made the decision on this application on 4 October 2012. This is well outside the 33 day timescale suggested by government guidance. I asked the Council to provide details of all the enquiries it carried out about this case. It did not start making enquiries in a prompt manner. All enquiries appear to have ended in June but then it still took the Council almost four months to make a decision.
16. The Council has not provided any explanation of why it took so long to make a decision in this case. The delay in making a decision on this homelessness application amounts to maladministration.
17. The Council provided interim accommodation for Mr X and his family. This was bed and breakfast accommodation. A council can house a family in bed and breakfast accommodation only if no other accommodation is available and then only for a maximum of six weeks. The Council has not provided any information to show bed and breakfast accommodation was the only type of accommodation available in March 2012. However I will assume this to be the case and so it was acceptable for Mr X and his family to be placed in bed and breakfast accommodation for six weeks.
18. The Council has provided information to suggest Mr X and his family were not using the bed and breakfast accommodation and so it was cancelled. As it is accepted

that bed and breakfast accommodation is not generally suitable for families I will not criticise Mr X and his family for not using the accommodation. The Council should have moved the family from this type of accommodation after six weeks and it failed to do so. It placed the family in a different bed and breakfast guest house until a place in a hostel was provided. In total the Council housed the family in bed and breakfast accommodation for nine weeks. As the maximum time allowed in bed and breakfast accommodation is six weeks, the Council is at fault for placing the family in this type of accommodation for nine weeks.

Agreed action

19. To remedy this complaint the Council agrees the following:
- Apologise to Mr X and his family for the failings in this case;
 - Pay Mr X £150 to compensate him for being accommodated in unsuitable accommodation for more than the allowed six weeks. This amounts to £50 per week;
 - Pay Mr X £250 to acknowledge the uncertainty caused to him by the failure to determine his homelessness application within the recommended timescale;
 - Pay Mr X £100 to recognise his time and trouble in pursuing the complaint;

Final decision

20. I will not pursue the complaint further as the Council has agree to take the action detailed in paragraph 19.

Investigator's final decision on behalf of the Ombudsman