



To: Executive Councillor for Housing: Councillor Kevin Price  
Report by: Head of Legal Services, Director of Customer and Community Services  
Relevant scrutiny committee: Housing 30/9/2014 Scrutiny Committee  
Wards affected: All

**FINDINGS OF MALADMINISTRATION BY THE LOCAL GOVERNMENT OMBUDSMAN: HOMELESSNESS**  
**Not a Key Decision**

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**1. Executive summary**

The Local Government Ombudsman has made findings of maladministration in respect of three complaints. The complaints relate to the Council's homelessness functions.

In these circumstances, the Head of Legal Services, as the Council's Monitoring Officer, has an obligation to report the findings to the Executive. The Executive is obliged to set out what action has already been taken in respect of the findings, what action it intends to take and the reasons for taking the action.

Following a change in reporting by LGO, our systems failed to recognise two of these decisions as maladministration cases. This resulted in a delay in reporting them to members.

This report summarises the complaints, acknowledges that there were shortcomings in relation to working practices and sets out the action taken in response.

The report details that significant progress has been made since the complaints to increase the availability of temporary accommodation for homeless people. It also demonstrates success in achieving the Council's aim of not placing homeless families outside of Cambridge, if at all possible, despite the challenges of housing market in Cambridge.

The Executive Councillor is asked to consider the action taken and to decide whether it is adequate or whether further steps should be taken.

## **2. Recommendation**

To endorse the actions taken by officers in response to the findings of the Local Government Ombudsman.

## **3. Background**

The Ombudsman's decision letters form Appendices A, B and C to this report. They are referred to in the report as Cases A, B and C respectively. All three letters refer to the complainant as Mr or Mrs X. For ease of reference the report refers to them as Mr or Mrs A, B and C.

Two of the cases occurred between February and September 2012 either side of a full service restructure (in July 2012) involving significant changes in personnel and consequent disruption to the service and in an external environment of increasing housing stress. Despite the difficult working environment it is acknowledged that there were shortcomings in working practices and this report outlines how it is tackling these failings.

Cases A and B highlight failures in terms of lengths of stay in bed and breakfast accommodation. There are a number of factors that influence housing pressure in this regard but one of the most influential is the numbers of properties available to let through the Council's choice based lettings (CBL) system. Year on year lettings figures below demonstrate that there was a significant decline in available lettings from April 2011 to March 2013

2009-10	890
2010-11	798
2011-12	558
2012-13	595
2013-14	704

The number of available lettings directly influences the ability of households in temporary accommodation to move on, thus freeing up accommodation for households who are in bed and breakfast or imminently homeless.

Paragraph 4.1 (B) offers a broader picture on requirements for temporary accommodation provision.

In case C the Council failed to observe its legislative responsibilities fully because it focused its resources on work that was felt by officers to offer the best housing outcome for the household.

### **Case A: Case Summary**

The Ombudsman made two findings of maladministration:

- The Council kept Mr A and his family in unsuitable interim accommodation for longer than permitted; and
- There was delay by the Council in reaching a decision on Mr A's application.

Mr A made a homelessness application on 11 September 2012. He and his family were provided with interim bed and breakfast accommodation in Peterborough. 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 suitable accommodation available and then only for a maximum of six weeks. The six week period ended on 23 October but Mr A and his family remained in the accommodation until 18 December 2012.

In terms of the delay in reaching a decision, there is no fixed period for determining a homelessness application but the Homelessness Code of Guidance for Local Authorities, issued by the Government in 2006, recommends that housing authorities aim to complete their enquiries within 33 working days. This would give a target date of 28 October 2012. The Council issued its decision on 20 March 2013, which it acknowledged is too long.

The Ombudsman recommended the Council to pay compensation of £500 to Mr A and to apologise. He also recommended that the Council consider a review of homelessness practice, including any necessary staff training to ensure timely decision making and appropriate use of interim accommodation. The payment has been made and the apology has been given. Part 4 of this report sets out the steps taken in response to the recommendation of a review.

### **Case B: Case Summary.**

The issues are similar to Case A. The Council placed Mr B and his family in bed and breakfast accommodation for nine weeks. This exceeded the maximum of six weeks for families with children. The homelessness

application was made on 21 February 2012. The target period of 33 working days ended on 10 April. The application was determined on 4 October 2012.

The Ombudsman recommended the Council to pay compensation of £500 to Mr B and to apologise. The payment has been made and the apology has been given.

### **Case C: Case Summary.**

The Ombudsman made two findings of maladministration:

- The Council wrongly ended its duty to provide interim accommodation; and
- There was delay by the Council in reaching a decision on Mrs C's application.

Mrs C applied to the Council as homeless and she and her family were placed in interim bed and breakfast accommodation in Peterborough. On 5 August 2013 the owner of the bed and breakfast accommodation contacted the Council to say that there had been an incident involving Mr C and she wanted the family to leave that day. The Council negotiated a further night's stay for Mrs C and her family but on 6 August told Mrs C that the Council no longer had a duty to provide interim accommodation. Mrs C was told that the County Council had been informed and that the County Council would accommodate the children in line with its duties under the Children Act. Although the Council believed it no longer had a duty to provide interim accommodation officers immediately set about supporting Mrs C to secure private rented accommodation from 30 August 2013, with the help of money from the Council to cover the rent in advance and a deposit. In the interim period Mrs C took her family to stay with her mother.

On 6 September 2013 the Council notified Mrs C of its decision that she was not homeless because she had secured suitable accommodation.

The Ombudsman accepts that there are circumstances in which an applicant's behaviour can relieve a local authority of its obligation to provide interim accommodation. However, the Ombudsman concluded that the Council did not properly investigate the incident and took the word of the hotel owner.

Although the Council had told Mrs C that it had decided it no longer had an obligation to provide interim accommodation, the Ombudsman concluded that it did not deal with the decision properly. Before making the decision, it should have allowed Mrs C to make representations, through an interview or in some other manner. It also did not issue a formal decision regarding the provision of interim accommodation.

The Ombudsman has recommended that the Council provides Mrs C with a written apology and pays her compensation of £350, to be offset against outstanding debt owed to the Council. The Ombudsman also asked the Council to review its procedures to ensure it is properly meeting its obligations to provide interim accommodation. The apology letter has been sent and the compensation has been offset against the debt owed. Action taken to review Council procedures is set out in the next section of this report.

## **4. Action taken in response to the Ombudsman's findings**

### **4.1 Cases A and B**

These cases uncovered some failures in the Housing Advice Service. Firstly, that there were delays in the homeless decision making process and that both households were placed in bed and breakfast accommodation for longer than the permitted maximum of 6 weeks as detailed in the *Homelessness Code of Guidance*.

#### ***Actions taken since the findings***

**A. Better performance monitoring systems** for homelessness and housing advice cases – housing advisers are now closely monitored in the following areas:

- Average homelessness decision times – taken over a quarterly period. The average time taken for officers make a decision on homelessness applications has reduced significantly over the last 18 months from around 50 days to 36 days in the first quarter of 2014/15.
- Case file reviews – one per month per full time housing adviser – analysis of the quality and timeliness of record keeping
- Analysis of cases with no casework activity for 6 weeks or more. This is recorded on a monthly basis by officer. Since April this year the monthly total has varied between 2 and 7 cases. To put this number in context the service has an overall case load of about 580 cases a year.
- Analysis of those customers in temporary accommodation for more than 5 months. As at 11 September 2014, there are 10 households who have been in temporary accommodation for more than 5 months out of 85 occupied temporary homes. Of these, the reasons for the delay in moving can be summarised as follows

- 3 in rent arrears
- 2 unsuccessful bidding (waiting for 4 beds)
- 1 unsuccessful bidding
- 2 ongoing homelessness investigation
- 2 awaiting review by senior officer

The Housing Advice Service also has a weekly report on numbers in bed and breakfast accommodation and flags the numbers of households who have been placed there for 3, 4 and 5 weeks.

**B. More temporary accommodation** – the government set local authorities a target to halve the number of temporary accommodation units by 2010 from an initial baseline. The target was set as a blanket target for all local authorities in England and Wales regardless of local conditions. Cambridge City's baseline figure of 140 was set in 2005. By 2010 the Council had met the government target by reducing the figure to 70. However, over the last 5 years, the Council has consistently had an average of around 85 households in temporary accommodation. This has meant that meeting the target had led to a shortfall of around 15 temporary accommodation units. Spend on bed and breakfast peaked in 2013 where the Council had up to 30 households in bed and breakfast by August of that year. The Housing Advice Service has a target to increase temporary accommodation provision to 90 by the end of this financial year. As at 24<sup>th</sup> July 2014 the Council has 86 units, including a 10 bedroom hostel acquired through a lease from a registered provider in October 2013. Between 1 April 2013 and 25 October 2013 the Council housed 5 families in Bed and Breakfast accommodation for more than 6 weeks but since then no families have been housed in Bed and Breakfast for more than 3 weeks. Since November 2013 too there has been no more than three households in Bed and Breakfast accommodation at any one time.

The number of people presenting themselves as homeless to the Council over the last four years has increased from a low of 144 in 2011/12 to a high of 189 in 2013/14. The number who have been accepted as homeless has remained constant with 127 accepted as homeless in 2013/14 .

**C. Reorganisation of resources** – the Housing Advice Service has trialled the use of a dedicated officer to coordinate temporary accommodation placements and this has led to the move to create a dedicated role which appears in a restructure proposal currently out to consultation. The restructure proposal also includes the addition of another full time equivalent housing adviser, which should help to further reduce casework decision times.

**D. Partnerships with other local authorities in the sub-region –** The council has reciprocal arrangements for provision of temporary accommodation with both East Cambridgeshire and South Cambridgeshire district councils.

## **4.2 Case C**

Case C was a difficult case. The family had approached the Council as a homeless household having been evicted from their accommodation owing substantial rent arrears. The family were placed in bed and breakfast accommodation by the Council whilst its application was considered but lost this accommodation after being evicted for what the landlord claimed was unacceptable behaviour.

The Council ended its interim duty to accommodate following their eviction for anti-social behaviour. The decision was based on the account of the landlord, which officers regarded as reliable. However, we accept the Ombudsman's criticism that we had a duty to ask the applicant for their account of the incident and investigated further if necessary.

The Ombudsman criticised the Council for delaying its homeless decision, saying that by not making the 'intentionally homeless' decision promptly the family were denied an opportunity to seek a review of the decision. We accept that the decision was made outside the period for decision recommended in the *Homelessness Code of Guidance*.

Whilst accepting the Ombudsman's criticisms, Council officers worked successfully to find a solution to the housing needs of the applicant and their family, despite the officers' conclusion that they were "intentionally homeless". By making a loan to the family, the Council enabled them to obtain accommodation in the private sector which met their needs.

### **Actions taken**

- A. In the light of this case the service has reviewed its procedures for ending its duty to provide interim accommodation under section 188 Housing Act 1996. Staff are being instructed on the need to investigate incidents thoroughly before a decision is made to end provision of interim accommodation.
- B. At the same time the requirement to determine applications promptly having regard to the *Homelessness Code of Guidance* is being emphasised to staff. A system is in place to record time taken to determine applications and individual officer performance is monitored by line managers.

The action taken in response to Cases A and B are also relevant to preventing recurrence of the issues identified in respect of Case C; i.e.

Better performance monitoring systems for homelessness and housing advice cases – housing advisers are now closely monitored in the following areas:

- Average homelessness decision times – taken over a quarterly period
- Case file reviews – one per month per full time housing adviser – analysis of the quality and timeliness of record keeping.

As well as the specific actions taken as shown above, officers have noted comments made by Council Members at Committee about the unsuitability of Bed and Breakfast or other forms of temporary accommodation outside of Cambridge for people who work in the city or have children that attend school in Cambridge. In future decisions to place individuals in Bed and Breakfast accommodation outside Cambridge will be reviewed by the Head of Service and reported to the Director, with statistics added to the key Housing Statistics report produced quarterly.

Also, although not a specific action as a consequence of the Ombudsman's findings, but to aid continual service improvement, the homelessness service invited both Shelter and the Council's internal audit service to review its systems and processes in respect of homelessness. Shelter has been working with the service since 2011 and have noted in their recent 'health check' report an improvement in the homelessness service from 'Fair' to 'Good'. The internal audit review was undertaken in summer of 2013 and most of the recommendations of the internal audit review have also been put in place and reinforce the actions taken following the Ombudsman's findings.

## 5. Implications

- (a) Financial Implications.** The total compensation recommended by the Ombudsman, and paid or credited by the Council, is £1,350.
- (b) Staffing Implications.** The Council needs to make sure it has appropriately skilled staff to meet its homelessness duties, to ensure the workloads of those staff are managed effectively and that they are adequately trained. The action plans described in this report have sought to address these themes. They have also sought to support staff to deliver a sensitive service, to people with a range of complex needs, at a time of acute housing stress.

- (c) **Equal Opportunities Implications.** An equality impact assessment has not been carried out in respect of this report. However, it is clearly the case that groups with protected characteristics and those in poverty are going to be significantly represented amongst those seeking assistance with homelessness from the Council.
- (d) **Environmental Implications.** This report has no climate change impact.
- (e) **Procurement.** There are no procurement implications.
- (f) **Consultation and communication.** The Monitoring Officer is obliged to consult the Head of Paid Service (Chief Executive) and the Chief Finance Officer (Head of Finance) in preparing this report, and has done so.
- (g) **Community Safety.** There are no direct community safety implications, but a failure by the Council to discharge its homelessness responsibilities could give rise to community safety issues, given the vulnerability of some of those seeking assistance.

## 6. Background papers

These background papers were used in the preparation of this report:

Cambridge City Council Housing Options Service Review : Shelter Health Check Report – June 2014

Strategic Housing Key Facts – March 2014

The Ombudsman decision letters are appended to this report.

## 7. Appendices

Local Government decision letters in respect of Cases A, B and C.

## 8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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