

**Report of the Monitoring Officer**

**Findings of Fault Determinations Reported from the Ombudsman**

1. Purpose of Report

To provide Members with the recent findings of fault determinations made by the Local Government and Social Care Ombudsman and Housing Ombudsman.

2. Recommendation

**The Committee is asked to NOTE the report.**

3. Detail

This report outlines the recent determinations made by the Local Government and Social Care Ombudsman (LGSCO) or Housing Ombudsman (HO) where a finding of fault has been recorded. The full reports by the LGO and HO are attached at **Appendices 1 to 6**.

The below table highlights the recommendations requested by the Ombudsman to improve service delivery by the Council.

Complaint	The fault and recommendation to prevent it recurring	Specific actions undertaken by the Council
Appendix 1	<ul style="list-style-type: none"> <li>• The failure to review the Complainant’s Personal Housing Plans (PHP) when the Council accepted the relief duty;</li> <li>• The delay in replying to the complaint at the second stage of the complaints procedure. The Council to pay £150 to recognise the distress this caused.</li> <li>• Keep PHPs under regular review, particularly when there is a change in the duty owed to the applicant;</li> <li>• Have regard to the guidance in the Code and consider in every case whether it is reasonable to expect the applicant to remain in occupation of private rented accommodation when the landlord has issued a Section 21 Notice or applied for a Possession Order;</li> <li>• Inform applicants of the outcome of any application for financial assistance with rent in advance before the Income</li> </ul>	<ul style="list-style-type: none"> <li>• Personal Housing Plans (PHP) – Officers have been reminded to keep PHP’s under regular review, issue a new PHP to the customer when there are changes and when a new Duty has been accepted.</li> <li>• Code – Officers have been reminded that a diary note will need to be added when this has been considered, what the decision is and why.</li> <li>• Financial - This is the Housing Options Teams current process. However, it was emphasised that when the Lettings Team notify the Housing Options of an applicant that has been offered a property, contact them to discuss first rent payment, if they require assistance from Homelessness</li> </ul>

	<p>Collection team contacts them to request payment of any balance due.</p> <ul style="list-style-type: none"> <li>• The Council should also review whether it can make arrangements to provide cover when a case officer is on leave or otherwise absent to ensure offer letters are sent promptly to applicants.</li> </ul>	<p>Prevention Fund (HPF) submit the HPF application to management, notify the applicant of the outcome, update Lettings Team with the outcome to enable them to instruct the Income Collection Team how much first rent payment the customer is due to pay.</p> <ul style="list-style-type: none"> <li>• Officer Cover -The Lettings Team email Provisional Offer letters to the case officer and the Team mailbox. The Team mailbox is maintained by a daily cover officer, if the case officer is absent the duty officer will issue relevant letters in their absence. If a case officer is absent their out of office will be on to alert the Lettings Teams to this, the Lettings Team are then aware this will be picked up by a duty officer.</li> </ul>
<p>Appendix 2</p>	<ul style="list-style-type: none"> <li>• Apologise to Mr B for the distress he experienced due to the faults identified in the decision. The Council may want to refer to the Ombudsman’s updated guidance on remedies, which sets out the standards we expect apologies to meet.</li> <li>• Pay Mr B £100.</li> <li>• The Council should also continue to monitor Mr B’s bin collections for three Months</li> </ul>	<ul style="list-style-type: none"> <li>• Weekly monitoring was undertaken to bins and their collection. This included taking photographs of the empty bin and their position once returned to the property. No further issues have been raised.</li> </ul>
<p>Appendix 3</p>	<ul style="list-style-type: none"> <li>• Undertake a full damp and mould survey at the property and provide the resident with timeframes for completing any works identified.</li> <li>• Review processes and guidance for circumstances where repair issues are being dealt with by both capital works and repairs teams. This review should be completed with the aim of considering oversight improvements in monitoring and communication of ongoing work.</li> <li>• Review the circumstances around the damp work the Council completed in early November 2022, and whether it had appropriately explored/considered offering</li> </ul>	<ul style="list-style-type: none"> <li>• Repairs Processes - the Council had appointed a Change Delivery Manager to work within Housing and Capital Works. A new Change Delivery Manager commenced employment on the 1<sup>st</sup> July 2024. Responsibility of this role is to work alongside colleagues within Asset Management and Housing Repairs to review processes and improve efficiency and service delivery.</li> <li>• Damp Work – a Survey was completed on 22 July 2024. A</li> </ul>

	<p>the resident temporary accommodation during this work.</p> <ul style="list-style-type: none"> <li>• Reflect on the Council's wider practice and management of possible temporary accommodation need and any lessons learned from this case.</li> <li>• Contact the resident to confirm all vulnerabilities that should be recorded for her.</li> </ul>	<p>meeting was undertaken on 6 August 2024 to plan works in and arrange temporary accommodation for tenant.</p> <ul style="list-style-type: none"> <li>• Temporary Accommodation - The Council had reviewed the decant options since 2022. More suitable temporary accommodations that are pet friendly have been identified and are used.</li> </ul>
<p>Appendix 4</p>	<ul style="list-style-type: none"> <li>• No recommendations</li> </ul>	<ul style="list-style-type: none"> <li>• No action required.</li> </ul>
<p>Appendix 5</p>	<ul style="list-style-type: none"> <li>• Apologise to Miss X in line with our guidance on Making an Effective Apology.</li> <li>• To recognise the lack of homelessness assistance offered to Miss X and her child, since September 2023, make a symbolic payment to her of £250 per month. This is a total of £3,000.</li> <li>• Invite Miss X to proceed with a homelessness application for her and her child, and make an offer to them both of interim accommodation.</li> <li>• Remind Council Officers of the importance not to adopt a uniform approach (fetter its discretion) when referring to Council policy and procedure,</li> <li>• Ensure Council Officers are reviewing free text boxes within housing applications made via its online system when making decisions, and</li> <li>• Remind Council Officers about the low threshold for making inquiries about homelessness and assessing risk in relation to domestic abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• All recommendations - The Housing Options Team were reminded that there is a low threshold for making enquiries about homelessness and Domestic Abuse risk. The Housing Options Team recognised that there only needs to be reason to believe that somebody is homeless and/or a survivor/victim of Domestic Abuse for an application to be triggered.</li> <li>• The Housing Options Team were reminded not to adopt a uniform approach when referring to Council Policies and Procedures and that discretion can be applied. Particular emphasis was placed on the inclusion of a child on an application if they have safe settled accommodation elsewhere. However, concern was raised that this goes against current Legislation rather than the Council's internal Housing Allocations Policy. However, the Housing Options Team would follow the recommendation of the Ombudsman and ensure cases are assessed individually and they are not refusing to include a child on a waiting list application.</li> </ul>

<p>Appendix 6</p>	<ul style="list-style-type: none"> <li>• Write to the resident to apologise for the failings identified within this report.</li> <li>• Pay the resident an additional £250 compensation in recognition of the distress and inconvenience caused by its response to his complaint. This is in addition to the £4,380 previously offered which should be paid if it has not already done so.</li> <li>• Appoint a member of staff to act as a point of contact for the resident and monitor any outstanding works through to completion.</li> <li>• Arrange an inspection of the property to assess whether:             <ul style="list-style-type: none"> <li>• The work to the path has resolved the damp issues within the bedroom.</li> <li>• Work to inspect the cavity following the survey on 11 March 2024 is required.</li> <li>• Further work is required to the pointing following the complaint.</li> <li>• There are additional signs of damp in the hall and cupboard.</li> <li>• Consider whether the extractor fans in the kitchen and bathroom are sufficient and whether a Positive Input Ventilation unit should be installed as recommended.</li> <li>• Consider the handling of the ongoing repairs and reports of damp since April 2024 and any failings which contributed to continued delay. This should allow the resident the opportunity to confirm any specific reason for dissatisfaction during this period. It should set out its findings in writing to the resident and make an offer of compensation in recognition of the impact of the ongoing delay where appropriate. If dissatisfied with the response, the resident may wish to raise a new complaint to the landlord if he has not already done so.</li> </ul> </li> <li>• Contact the resident to confirm how he can claim for additional energy usage and any damage to belongings. The landlord should consider his claim or refer the matter to its insurer should he believe it is liable.</li> <li>• Within six weeks, the landlord is to write to the resident with the outcome of the inspection. It should explain what works, if</li> </ul>	<ul style="list-style-type: none"> <li>• Responses are in the process of being implemented Complaints – Complaint Handlers have received training regarding the Complaint Process on 16 August 2023, 20 March 2024 and 25 March 2024. A new Broxtowe Learning Zone has been implemented for all staff to complete yearly. This details the complaint process and the responsibility to deal with complaints effectively. Quarterly reminders are issued to all staff on the importance of complaint handling via the employee newsletter.</li> </ul>
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	<p>any, are needed and confirm the expected timescale for completing the work. It should also confirm its position regarding any remaining work to the kitchen, if any, and whether it is willing to complete or contribute toward the cost of any redecoration required because of the repairs.</p> <ul style="list-style-type: none"><li>• In accordance with paragraph 54(g) of the Housing Ombudsman Scheme, the landlord is to complete a management review of the resident's case to identify points of learning. It should provide a copy of the review to its senior leadership</li><li>• Its current knowledge and Information Management practices alongside the recommendations made in the Ombudsman's Spotlight report on</li><li>• Knowledge and Information Management (March 2023), and any improvements that could be made.</li><li>• Its communication with vulnerable residents and its responses to complaints where vulnerabilities are highlighted as a key concern.</li><li>• Any staff training requirements, including in relation to its complaint handling, which will improve its responses to similar cases, with reference to ensuring all complaint points are answered in future.</li><li>• The landlord is to provide evidence of compliance to the Ombudsman within the specified timescales.</li><li>• The Ombudsman recommends that the landlord considers removing the reference to compensation offers being made to "settle" a complaint within its responses and any staff guidance.</li><li>• The landlord is to confirm its position in relation to the above recommendation</li></ul>	
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4. Financial Implications

The comments from the Head of Finance Services were as follows:

The cost of compensation is charged either directly to the service or recognised in a central corporate budget. Any significant financial implications relating to compensation and/or the operational recommendations from the Ombudsmen, over and above existing budgets and virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Under s5A of the Local Government and Housing Act 1989 the council's Monitoring Officer is legally obliged to report to Cabinet any findings of fault by the Local Government and Social Care Ombudsman.

6. Human Resources Implications

Not Applicable

7. Union Comments

Not applicable.

8. Climate Change Implications

Not applicable.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not applicable.

11. Background Papers

Nil.