

London Borough of Enfield

Cabinet

14 October 2020

Subject: Report of the Local Government & Social Care Ombudsman; Investigation into complaint against the London Borough of Enfield (Reference number 19006598)

Cabinet Member: Councillor Nesil Caliskan

Director: Director of Law and Governance

Key Decision: N/a.

Purpose of Report

1. In line with the requirements of the Local Government and Social Care Ombudsman, this report outlines for the Cabinet the Ombudsman's report on the Complaint made by Mrs B (the complainant) and Mr B (the complainant's husband) about the Council's failure to offer her and her family suitable housing.
2. This report also describes the Council's actions in response to the Ombudsman complaint and Cabinet is asked to agree the Temporary Accommodation Procurement Policy

Proposal(s)

3. Cabinet notes the findings of the Ombudsman report and the actions taken by the Council which include the rehousing of the family in permanent accommodation in the Borough.
4. Cabinet notes the further actions agreed to, by the Council in relation to the complaint which have regard to the new, permanent accommodation in which the family now reside:
 - a. We have apologised to the family for the faults identified;
 - b. We have offered to complete a Care Act assessment should the family still require this;
 - c. We are ensuring the equipment provided to the family following the occupational therapy assessments is fit for purpose;
 - d. We will provide guidance for the complaints team about what constitutes a new complaint;

- e. We will pay Mr and Mrs B £250 for each month they have spent in unsuitable accommodation from July 2018, to the month they were suitably housed; and
 - f. We have written a procurement policy for securing accessible properties.
5. Cabinet note the progress with the implementation of the new Housing Advisory Service outlined in this report and that a review of performance is on the work plan for the Housing Scrutiny Panel.
 6. Cabinet approve the Temporary Accommodation Procurement Policy

Reason for Proposal(s)

Complaint

7. Mrs B, with the support of a representative, complain the Council did not move her family into suitable accommodation. Mrs B stated this has negatively affected her husband's health and their family life. It has made it difficult for Mrs B to care for Mr B and their children. Mr B has limited mobility and uses a wheelchair/crutches.
8. In June 2017, Mrs B and her family became homeless. The Council decided it owed them a housing duty under Section 193 of the Housing Act 1996. It placed the family in temporary accommodation. However, the family said the accommodation was unsuitable and asked the Council to carry out a review.
9. Details of the complaint can be found on the Local Government & Social Care Ombudsman website [here](#) and are detailed in the "background" section of Appendix 1.
10. In July 2018, the Ombudsman found Enfield Council at fault for its delay in reviewing the suitability of the family's temporary accommodation; that the Council failed to provide Mrs and Mr B with suitable accommodation which caused the family significant injustice.
11. In August 2020, the Local Government & Social Care Ombudsman completed their investigation into Mr & Mrs B's complaint against the Council and provided the report attached as Appendix 1.

Homelessness Service Transformation Underway

12. Enfield has one of the most severe homelessness pressures in London, with a shortage of appropriate housing and the second highest number of households in temporary accommodation in England. Over the past two years Cabinet has agreed three reports which have included a range of proposals to support our ambition of making homelessness something that is rare, brief and non-recurring.
13. One of the actions is our new Housing Advisory Service, designed to improving our offer and service to residents. The new service, which is reliant on funding from the Governments Flexible Housing Support Grant and

from savings achieved through the reduction of the use of temporary accommodation, will put into place the necessary resources, operating guidance, systems, skills and culture with the aim of ensuring that complex cases are resolved in a timely manner. This is a major transformational programme of a large and complex statutory service.

14. The focus of the new service is to ensure that residents can sustain their accommodation preventing crisis homelessness. This means that there will be continuing contact with households at risk to ensure that their needs are being met over an extended period, with a named contact throughout. Performance measures going forwards include the proportion of residents sustaining their accommodation for 12 months or more. This will ensure that any issues are identified and resolved at a much earlier stage.
15. We are in the process of adjusting the new structure to include in house provision for occupational assessments to ensure that where expert advice is required, this is available in a timely manner. Clear operating handbooks are being finalised providing comprehensive guidance to staff.
16. Training is being provided to staff on making referrals to the Single Point of Access for social services and we are building a strong working relationship between the teams. The operating handbooks for staff will provide a reference point for each stage of a case to ensure that staff are empowered to make appropriate and timely referrals.
17. By clarifying responsibility for decision making, we are also seeking to empower staff to reach decisions based on common sense, their knowledge of the case and the law. We are providing training through Shelter on conducting suitability assessments for all Housing Coordinators to ensure that we have a consistent approach to decision making.
18. The launch of Enfield Let will enable us to take a more proactive approach to the supply of adapted properties. Because properties will be leased from the landlord by Enfield Let, the Council will be able to adapt these properties. The Housing Advisory Service works closely with the Grants Team responsible for administering disabled facilities grants. This will increase the supply of adapted properties in the private rented sector.
19. Cabinet approved the Placement Policy in April 2020 which sets out our new approach to placing households in the private rented sector. The new policy also introduced minimum standards of accommodation for the first time. The Housing Advisory Service includes a team responsible for inspecting the properties that are used either as temporary accommodation or as a permanent home to make sure that these standards are being enforced. The service will work closely with the PRS Enforcement Team.
20. Accurate record keeping on contacts with residents and an audit trail of decisions made are critical to the service. Within the Housing Advisory Service, there are dedicated officers who play a crucial role in accurate record keeping and high-quality advice through case audits and reviews. These will feed into the staff development programme as well as ensuring that issues are picked up at an early stage.

21. Cabinet is asked to agree the Temporary Accommodation Procurement Policy to guide the Council's procurement activity going forwards. This incorporates a needs-based approach to ensuring that we have a sufficient supply of properties that are suitable for households with specific needs. The Temporary Accommodation Procurement Policy is attached as Appendix 2.

Safeguarding Implications

22. The actions taken by the Council since will have a positive impact on Enfield's more vulnerable residents by providing them with better support.

Public Health Implications

23. There are no public health implications.

Equalities Impact of the Proposal

24. The Council has to have due regard to its equality duties under the Equality Act 2010 and to consider the impact of its decisions and actions on individuals with protected characteristics. Particularly relevant here is the characteristics of disability due to Mr B's health conditions
25. The Council is committed to ensuring that all citizens have access to the information and support they need to access services that make a difference to their lives.

Environmental and Climate Change Considerations

26. There are no environmental or climate change considerations within this report.

Financial Implications

27. In accordance with Section 30 of the Local Government Act 1974, the Council is required to place a Public Notice in a local newspaper and on a website confirming that a report had been issued by the Local Government & Social Care Ombudsman advising the public where copies of the report were being made available.

Legal Implications

28. Part 7 of the Housing Act 1996 places statutory duties on housing authorities to provide suitable accommodation.
29. Section 206 of the Act provides that where a housing authority discharges its functions to secure that accommodation is available for an applicant the accommodation must be suitable. This applies in respect of all powers and duties to secure accommodation under Part 7, including interim duties. The accommodation must be suitable in relation to the applicant and to all members of their household who normally reside with them, or who might reasonably be expected to reside with them.

30. Suitability includes a number of factors. In the context of the LGO investigation, housing authorities need to consider carefully the suitability of accommodation for households with particular medical and/or physical needs. Physical access to and around the home, space, bathroom and kitchen facilities, access to a garden and modifications to assist people with sensory loss as well as mobility needs are all factors which might need to be taken into account.
31. Case law has said that Council should have up to date policies for procuring sufficient temporary accommodation to meet expected demand during the upcoming year.
32. This report and the temporary accommodation procurement policy complies with the Ombudsmans's recommendations.

Workforce Implications

33. As part of the transition to the new Housing Advisory Service we are developing a full training and cultural change programme to refocus the service on outcomes for residents and to ensure we meet the council's statutory obligations in regard to homelessness.

Property Implications

34. There are no property implications.

Other Implications

35. There are no other implications.

Options Considered

36. The Council could choose to contest the findings of the Ombudsman. However, the Council accepts the Ombudsman's view that there has been fault causing injustice to Mrs B.
37. The Council could contest the recommendations of the Ombudsman, but as it has acknowledged the failings in this case and taken steps to ensure that no other customer is similarly affected, it believes it should accept the recommendations the Ombudsman has proposed to remedy these failures.

Conclusions

38. The Council has considered the findings of the Ombudsman in this case and believes that they are accurate. The Council has taken steps to ensure that the issues identified in the report have been addressed for Mrs B and other service users and are not repeated.

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14 October 2020

Appendices

Appendix 1 – Report by the Local Government and Social Care Ombudsman
dated 17 August 2020

Appendix 2 – Temporary Accommodation Procurement Policy