

**Decision Maker:** EXECUTIVE

**Date:** For pre-decision scrutiny by the Renewal, Recreation and Housing PDS Committee on 14 June 2022

**Decision Type:** Non-Urgent Executive Non-Key

**Title:** LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REPORT

**Contact Officer:** Lynette Chamielec, Assistant Director: Housing  
Tel: 0208 313 4009 E-mail: lynette.chamielec@bromley.gov.uk

**Chief Officer:** Sara Bowrey, Director, Housing, Planning and Regeneration.  
Tel: 0208 313 4013 E-mail: sara.bowrey@bromley.gov.uk

**Ward:** All Wards

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1. Reason for decision/report and options

- 1.1 The issuing of a Public Report by the Local Government and Social Care Ombudsman following the upholding of a complaint about the Local Authority's provision of Housing.

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2. RECOMMENDATION

- 2.1 The Executive and the Renewal, Recreation and Housing PDS Committee are asked to review and note the content of this report, to consider the published findings of the Local Government and Social Care Ombudsman and to note the actions taken in response.

## Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
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## Transformation Policy

1. Policy Status:  
(3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
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## Financial

1. Cost of proposal: £6000 compensation payment.
  2. Ongoing costs: N/A
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £ N/A
  5. Source of funding: Flexible Homeless Support Grant
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## Personnel

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: Statutory Requirement
  2. Call-in: Not Applicable: For Information only
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## Procurement

1. Summary of Procurement Implications: N/A
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## Property

1. Summary of Property Implications: N/A
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## Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: N/A
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## Customer Impact

1. Estimated number of users or customers (current and projected): N/A
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

- 3.1 The Local Authority has been the subject of a complaint to the Local Government and Social Care Ombudsman ('the Ombudsman') which has led to an adverse finding. The Ombudsman concluded that there was fault by the Council which caused an injustice. They decided to issue a public report (attached at Appendix A) which was dated 16<sup>th</sup> of March 2022, but subsequently published on the 12<sup>th</sup> of May 2022 due to the rules surrounding purdah.
- 3.2 Section 31(2) of the Local Government Act 1974 requires the Local Authority to consider the report and inform the Ombudsman within three months of the action that it has taken or proposes to take in respect of the findings in the report.
- 3.3 To remedy the injustice caused, the Ombudsman recommended that, within one month of their final decision, the Local Authority should
- send Mr B a written apology which acknowledges the fault and the impact this has had on him and his family; and
  - pay £6,000 for the family remaining in overcrowded accommodation from the time of Mr B's first approach in August 2019 until November 2020.
- 3.4 The above actions have already been undertaken.
- 3.5 To address wider systemic issues, the Council is required to provide the Ombudsman with:
- evidence on how it will ensure that all relevant staff are aware of their responsibilities in relation to assessing homeless applicants, when a prevention duty is owed, when a relief duty is owed, when interim accommodation should be considered and when any prevention duty, relief duty and PHP should be reviewed.
  - details of the housing management system and how this assists staff with managing homelessness cases.
  - details of the revised casework management system and key performance monitoring and reporting along with a quality assurance framework aimed at improving the overall quality of casework and customer care delivery.
  - evidence of how the Council will ensure that housing staff consider relevant rights of applicants under the Human rights Act 1998 as part of their wider consideration of the Council's duties under housing legislation.
- 3.6 The Council's response to these systemic issues is under way. In their Report the Ombudsman thanked the Council for its proactive response.
- 3.7 As per the requirements of the Ombudsman report the following dates are being observed:

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|--------------|--|
| 12 May 2022  | publication of the Ombudsman report  |
| 26 May 2022  | public notice in the local press within two weeks (see Appendix B)                       |
| 14 June 2022 | Report to be considered by RR&H PDS  |
| 16 June 2022 | Free copies are to be made available to the public from the Civic Centre until this date |

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|--------------|--|
| 29 June 2022 | Report to be considered by the Executive |
| 15 July 2022 | Confirmation of compliance to the LGSCO  |

#### 4. FINANCIAL IMPLICATIONS

4.1 A compensation payment of £6000.

#### 5. LEGAL IMPLICATIONS

5.1 The Local Government Act 1974 section 31(2) requires the Council to consider the Ombudsman's Report and notify the Ombudsman of the action taken or the action it proposes to take, within 3 months beginning on the date the Council receives the Ombudsman's Report.

5.2 This report sets out to the Executive and Members of the Renewal, Recreation and Housing Committee, the Councils response to the Ombudsman's findings, recommended actions, together with payment to the complainant. This report also explains that the Ombudsman has welcomed the Councils response and actions taken.

5.3 It is considered that the actions taken by officers in relation to Ombudsman's Report and recommendations are appropriate in this case.

#### 6 CUSTOMER IMPACT

6.1 The Council wrote to Mr B on the 4 March 2022 to formally apologise and confirm details of the compensation payment.

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| <b>Non-Applicable Headings:</b>                       | Impact on Vulnerable Adults and Children / Transformation/Policy/Personnel/Procurement/Property Carbon Reduction and Social Value Implications; and Ward Councillor Views. |
| Background Documents:<br>(Access via Contact Officer) | [Title of document and date]   |