

Complaint reference:
14 008 312

Complaint against:
Gravesham Borough Council

The Ombudsman's final decision

Summary: There is no fault in the way the Council dealt with Mr and Mrs X's housing application.

The complaint

1. Mr and Mrs X complain the Council failed to include Mr X's late father (Mr Y) on their housing application. As a result the house provided did not meet their needs.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
3. The Ombudsman cannot investigate late complaints unless she decides there are good reasons. Late complaints are when someone takes more than 12 months to complain to the Ombudsman about something a council has done. (*Local Government Act 1974, sections 26B and 34D*)
4. If the Ombudsman is satisfied with a council's actions or proposed actions, she can complete her investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i)*)

How I considered this complaint

5. I have considered the information provided by Mr and Mrs X and have spoken to Mr X on the telephone. I have considered the Council's response to my enquiries.
6. I gave Mr and Mrs X and the Council the opportunity to comment on my draft decision.

What I found

7. Mr and Mrs X were threatened with eviction and so approached the Council as homeless in May 2010. Mrs X completed the housing register form.
8. In June 2010 the Council awarded Mr and Mrs X 35 homeless prevention points under their housing allocations scheme.
9. The Council's system note from January 2011 states "*spoke to applicant about infirm dad who lives in council accommodation.*" Around this time the Council sent a letter to Mr Y's doctor requesting medical information on Mr Y "*who may need to*

join the household". The letter asked about his medical conditions and why he would need to live with the family. The letter said "*please could you advise if [Mr Y] would require any specific housing needs or adaptations due to medical conditions*".

10. On 1 February 2011, the Council's notes of a phone call with Mr X state "*He went on about his situation and also wants dad to live with him. I could not find any note of his father on the system apart from a note on [the Council's computer system] from [a Council officer] but it does not mention he wants father to live with him. I advised him to put in writing that he wants his dad to live with him and why and he will also supply medical evidence*".
11. A Council officer interviewed Mr and Mrs X on 14 February 2011. The note records the officer explained the bidding system and that the officer would place bids on their behalf. It also said a letter was sent to Mr Y's doctor as there was a possibility Mr Y would have to live with them due to his medical condition and his flat would not be suitable.
12. Mr Y's doctor provided a letter to the Council dated 4 March 2011. This gave details of Mr Y's medical conditions and medication. It stated Mr Y "*will benefit from staying with his own family members as his dependency for hospital; care and medical needs can be addressed more effectively with family*".
13. A handwritten note attached to the letter stated "*Allocations FYI. Received from GP... homeless with 35 points, have advised that [Mr X's] father may need to move in with them due to medical needs (but not until they are rehoused). They have 2 boys that can share so 3 bed need still*".
14. The Council placed two bids on behalf of Mr and Mrs X in May 2011. The notes refer to a phone call and state "*[Mr X] mentioned that his father will be coming to live with them when they are housed. However there is no mention of this on the housing advice database or on their [housing register] application. Therefore I don't think father should be taken into account*".
15. In June 2011 Mrs X accepted the tenancy of a property. She signed the agreement as sole tenant and listed her two children on the application. Notes of a phone call with Mr X state "*his wife is accepting the property and has already viewed it, she is moving in without him, as they have decided to end their relationship*".
16. Mr X says he moved in with Mr Y to provide him with support. In September 2011 Mr X and Mr Y both moved into the property with Mrs X. Mr X contacted the Council as he considered they were overcrowded.
17. Mr Y passed away in March 2012.

My findings

18. As explained at paragraph 3, complainants are normally expected to come to the Ombudsman within 12 months of knowing they have something to complain about. This is because the further back events occurred the more difficult it is to establish what happened. In particular it is difficult for Council officers and complainants to accurately recall what was said at the time. I am considering this complaint as Mr X only became aware of potential errors recently. However in reaching my findings I can only consider the records which were taken at that time.

-
19. When Mr and Mrs X first applied to the Council they did not include Mr Y on their housing application form. They were awarded 35 homeless prevention points. This is in line with the allocations scheme in place at that time.
 20. The notes show Mr X intended for his father to move in with him at some point in time. However there is no evidence he specifically asked for his father to be included on the housing application. He provided no written details of Mr Y's circumstances or personal details to the Council.
 21. The notes record the Council did ask Mr X to write in. However I cannot know from the notes exactly what was explained to Mr X and whether he understood what information he needed to provide. Mr X denies being asked to write in. These events happened in 2011 and, given the passage of time, I cannot know exactly what was said between the two parties at that time. Without further evidence I cannot take a view on whether the Council was at fault.
 22. Even if there was fault there is no evidence this caused an injustice because Mrs X successfully bid for, and accepted a three bedroom property. Under the housing allocations scheme two children of the same sex can be expected to share a room. Therefore the property was large enough to accommodate Mr and Mrs X, their two children and Mr Y.
 23. Mr X says the property provided did not meet Mr Y's needs. When Mr Y moved in the property may not have been ideal. However at the time Mrs X accepted the property she did not include Mr X or Mr Y as part of the household. They moved in three months later. In addition the letter provided by Mr Y's doctor did not make any reference to any adaptations required by Mr Y.
 24. The letter provided by Mr Y's doctor in March 2011 did not say that Mr Y was inadequately housed at that time. It stated he would benefit from living with his family but did not raise any issues about the suitability of his current accommodation. On that basis I cannot say Mr X would have received any additional housing allocation points had Mr Y been included on the housing application. His medical condition may have changed by September but the Council's notes do not show the Council was made aware of this at the time.

Final decision

25. I have completed my investigation as there is no fault by the Council.

Investigator's decision on behalf of the Ombudsman