

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the Council's decision that the complainant does not qualify for the housing register. This is because there is insufficient evidence of fault by the Council.

The complaint

1. The complainant, whom I refer to as Ms X, disagrees with the Council's decision that she does not qualify for the housing register.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start an investigation if we believe it is unlikely we would find fault. (*Local Government Act 1974, section 24A(6), as amended*)

How I considered this complaint

3. I read the complaint and the Council's response. I considered the housing allocations policy. I invited Ms X to comment on a draft of this decision.

What I found

Housing allocations policy

4. The policy says people qualify for the housing register if they have a housing need. An example of a housing need is people living in overcrowded conditions or people whose accommodation is unsuitable for medical reasons. If people are adequately housed then they do not qualify for the housing register.

What happened

5. Ms X was living in a refuge with her daughter. She was on the housing register and able to bid for a home. Ms X found the living conditions in the refuge very cramped. Ms X found her own accommodation in a two bedroom flat. She lives there with her daughter and has a tenancy.
6. The Council removed Ms X from the housing register because she is adequately housed. Ms X disagrees with this decision. She is worried she will not be able to afford the rent and might become homeless again. If that happened she would

have to make a fresh claim to the housing register. Ms X wants to remain on the housing register now.

Assessment

7. I will not start an investigation because there is insufficient evidence of fault by the Council. This is because the policy says people only qualify for the housing register if they have a housing need. Ms X, and her daughter, live in a two bedroom flat. This is large enough for their needs and there is nothing to suggest they are not adequately housed. I appreciate Ms X has concerns that she might struggle to pay the rent but this is not a ground, within the allocations policy, to allow her to remain on the register. The Council's decision is consistent with the policy so there is no reason to start an investigation.

Final decision

8. I will not start an investigation because there is insufficient evidence of fault by the Council.

Investigator's decision on behalf of the Ombudsman