

## **The Ombudsman's final decision**

Summary: Miss X complained about the Council's refusal to allow her onto its housing register. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

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## **The complaint**

1. The complainant, whom I shall call Miss X, complains about the Council's refusal to allow her to register on its housing waiting list. She says she has some medical conditions and she needs to be rehoused.

## **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 or continue with an investigation if we believe:
  - it is unlikely we would find fault, or
  - it is unlikely we could add to any previous investigation by the Council, or
  - it is unlikely further investigation will lead to a different outcome, or
  - we cannot achieve the outcome someone wants.

*(Local Government Act 1974, section 24A(6), as amended)*

## **How I considered this complaint**

3. I have considered all the information which Miss X submitted with her complaint. I have also considered the Council's response and Miss X has commented on the draft decision.

## **What I found**

4. Miss X applied to the Council's housing register because she says she needs a ground floor property. The Council considered her application but rejected it because she did not meet the 6 years' local residency requirement. Miss X says she filled in her form as being resident from March 2012 in error as she was resident from 2013. The Council told her she has no other circumstances which would enable it to waive the 6 years' time restriction.

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5. Miss X has a medical report from her doctor which says she requires ground floor accommodation. The Council says her housing needs are met by her current accommodation and that she does not have sufficient medical priority to be considered as an exception to its residence time restriction. Miss X appealed against the Council's decision in May 2018 but the Council rejected her appeal.
  6. We investigate complaints of injustice caused by 'maladministration' and 'service failure'. I have used the word 'fault' to refer to these. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. In this case the Council applied the correct procedure to her application and her appeal was considered on its merits.

### **Final decision**

7. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault which would warrant an investigation.

### **Investigator's decision on behalf of the Ombudsman**