

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, complains that the Council will not let her join 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 to Ms X's appeal. I considered the housing allocation policy. I invited Ms X to comment on a draft of this decision.

What I found

Housing allocation policy

4. The Council can only allocate housing in accordance with the housing allocation policy. The policy says people can only join, or remain on the housing register, if they have a housing need.
5. The policy says two people need a two bedroom home. The policy gives medical priority to people if they have a health issue which is significantly affected by their current accommodation. The Council does not grant medical priority simply because someone has a medical problem.

What happened

6. Ms X lives in a two bedroom property with her daughter. Ms X wants to move to a different two bedroom property. Ms X has anxiety and depression. Ms X was previously on the housing register when she had two daughters living with her.

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7. The Council decided Ms X cannot join the housing register because she is adequately housed. Ms X challenged the decision and said she had medical conditions. In response, the Council confirmed its decision. It explained Ms X is adequately housed because she needs a two bedroom home and lives in a two bedroom home. It also said she had never asked for medical priority when she was previously on the register and there was nothing to suggest the property was unsuitable on medical grounds. The Council said Ms X could re-apply if her circumstances change.

Assessment

8. I will not start an investigation because there is insufficient evidence of fault by the Council. This is because the Council's decision is consistent with the policy. The policy says Ms X needs a two bedroom home. As Ms X lives in a two bedroom home and there is nothing to suggest the property is unsuitable on medical grounds, then there is no reason to start an investigation. In addition, the Ombudsman does not act as an appeal body. He cannot intervene simply because a council makes a decision that someone disagrees with.

Final decision

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

Investigator's decision on behalf of the Ombudsman