

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the Council's decision that the complainant cannot join 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 cannot 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. I considered the housing allocation policy and medical evidence Ms X sent to the Council. I invited Ms X to comment on a draft of this decision.

What I found

Housing allocation policy

4. People can only join the housing register if they have a housing need as defined by the policy. This can include people who live in properties in a poor condition if the Environmental Health department has decided there is a category one hazard or that the property is unfit for habitation. It can also include people with mental health problems who are supported by the Mental Health Services and need frequent support or have frequent admissions to hospital.

What happened

5. Ms X moved into her current home in July 2017. It is a flat in a loft space which she rents from a private landlord.
6. Ms X applied to join the housing register in April 2018. The Council rejected the application because she does not have a housing need.

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7. Ms X appealed and sent some medical evidence. She explained she has anxiety and depression. She is worried there will be a fire because her neighbour has caused smoke and there is no fire exit. She said the stairs make her back ache and she is worried about a lack of privacy because the bathroom is near the neighbour's front door. She also said the boiler is outside the flat. She sent the Council a letter from her doctor which said Ms X was taking anti-depressants and was concerned about fire. The letter said that Ms X works.
 8. The Council considered her appeal but did not change the decision. It recognised that Ms X has concerns about the flat but said she would have been aware of these issues before she signed the tenancy. The Council suggested she raise her concerns with the landlord and told her how to get housing advice. The Council considered her medical evidence but decided it did not show she qualified for the housing register.

Assessment

9. I will not start an investigation because there is insufficient evidence of fault by the Council. The policy says an applicant can only join the housing register if they have a housing need. I have considered Ms X's circumstances, and the allocations policy, and there is nothing to suggest the Council has not applied the policy correctly.
10. Ms X has not said she is under the mental health services or that she has had frequent hospital admissions. In addition, she has not said that the Environmental Health service has found a category one hazard or served a notice saying the property is unfit for habitation. The Council signposted Ms X to housing advice services. It also suggested she speak to her landlord about the problems she has been experiencing.
11. The Ombudsman does not act as an appeal body. He cannot intervene simply because a council makes a decision that someone disagrees. In this case there is no suggestion of fault so no reason to start an investigation.

Final decision

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

Investigator's decision on behalf of the Ombudsman