

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

Summary: Mr X complained about an offer of housing by the Council which he says was unsuitable for his needs. The Ombudsman should not exercise his discretion to investigate this complaint This is because it concerns matters outside the normal 12-month period. It was reasonable for Mr X to seek a review and appeal to the court over the Council's decision on his homeless status.

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## **The complaint**

1. The complainant, whom I shall call Mr X, complains about the Council's offer of accommodation in 2017. He says the offer was unsuitable, staff gave misinformation and he was evicted from the hostel he lived in because he was considered no longer homeless. He wants action to be taken against the hostel staff.

## **The Ombudsman's role and powers**

2. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
3. The law says we cannot normally investigate a complaint when someone could take the matter to court. However, we may decide to investigate if we consider it would be unreasonable to expect the person to go to court. (*Local Government Act 1974, section 26(6)(c), as amended*)

## **How I considered this complaint**

4. I have considered all the information which Mr X submitted with his complaint. I have also considered the Council's response and Mr X has been given the opportunity to comment on the draft decision.

## **What I found**

5. Mr X says he was offered accommodation which was unsuitable whilst he was living in hostel accommodation in 2017. The Council offered him a property but he said it was not suitable due to his work arrangements. The Council tried to interview him about the offer and asked him to visit the property and complete a suitability assessment.

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6. Mr X declined to complete an assessment or interview and told the Council it had sufficient information about him to make a decision on the offer. The Council then wrote to him after he met hostel staff and told him he had declined a suitable offer and was no longer eligible to remain in the hostel. The letter stated he had been interviewed for a suitability assessment because it was a standard letter. He complained to a local councillor because he said it was untrue that he had been interviewed.
  7. The Council apologised for the wording of the letter. It said it made no difference to the outcome because he had declined the assessment himself. Mr X asked for a review of the decision which was carried out in March 2017. The outcome remained that the offer was reasonable. Mr X then found his own private rented accommodation. The Council informed him that because he declined a reasonable offer and had now re-housed himself in secure accommodation it had discharged its legal duty and no longer had a homeless responsibility to him.
  8. Mr X complained about the matter in May and it was concluded by the Council in June. It re-iterated that it had reviewed the decision and discharged its legal duty. After receiving further correspondence from Mr X the Council advised him to complain to the Ombudsman if he remained dissatisfied. He did not complain to us until August 2018 which is outside the normal 12-month period for accepting complaints.

### **Final decision**

9. The Ombudsman should not exercise his discretion to investigate this complaint. This is because it concerns matters outside the normal 12-month period. It was reasonable for Mr X to seek a review and appeal to the court over the Council's decision on his homeless status.

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