

More Home Truths

*- learning lessons
from complaints
about the
Homelessness
Reduction Act*



March 2023

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Ombudsman's foreword



April 2023 marks the fifth anniversary of the Homelessness Reduction Act 2017 coming into force. It gave local housing authorities new duties and powers to help people who are homeless or threatened with homelessness. Most significantly, it created what are commonly referred to as the prevention and relief duties. These duties help to prevent homelessness or help people who are already homeless find somewhere to live. They are important because local housing authorities owe them regardless of whether someone is in priority need or has a local connection to the area.

In short, the Homelessness Reduction Act gave councils the responsibility to help more people and to help them earlier.

In England last year, councils assessed almost 280,000 households as being homeless or threatened with homelessness¹. While a relatively small proportion of these households end up approaching us, we are nevertheless in a unique position to see how local housing authorities are delivering services to households at an extremely difficult time in their lives.

1. [Official statistics: Statutory homelessness in England: financial year 2021-22](#)

In July 2020, we published a [report on our first 50 investigations](#) related to the Act to share the early learning. We highlighted the areas where councils were failing to implement their new duties. Five years since the introduction, we would expect to see the principles and processes of the Homelessness Reduction Act fully embedded.

Unfortunately, that does not always appear to be the case. Although we see many examples where councils have adopted the correct approach, too often our investigations still find that councils have failed to issue a Personalised Housing Plan or consider the support needs of the applicant. Complainants still tell us they were turned away and told to come back when the court issues a warrant for their eviction.

We recognise that councils' ability to deliver services is under more pressure than ever, and that officers are expected to do more with less. However, homeless applicants approach councils at one of the most stressful and uncertain times in their lives.

We see examples of delay completing assessments and accepting duties. These are more than just administrative oversights. These

failings represent missed opportunities to achieve one of the main aims of the Act: preventing homelessness. And these faults cause avoidable distress and confusion when the applicant should expect support and guidance.

Our investigations are not limited to whether the council met statutory duties in homeless law. We expect councils to follow our [Principles of Good Administrative practice](#). Getting the process right avoids making an already difficult time more stressful for the applicant.

Good administration in homelessness means:

- > **Keeping in touch with the applicant:** complainants often tell us about difficulties contacting their case officer, or even days or weeks when they didn't know who that officer was
- > **Notifying of decisions and review rights:** this is a statutory duty, but it's good administration too
- > **Avoiding or explaining jargon:** homelessness decision letters can be complex documents using technical language, with references to case law and sections of the Housing Act. Councils should ensure the applicant can understand the decision and what it means for them. This is particularly important where the applicant's disability means they need adjustments in how the council communicates with them
- > **Writing it down:** good record keeping is the backbone of good decision making. We should be able to see the council's thinking about significant issues reflected in contemporaneous records. This is particularly important when there isn't a decision letter and attendant review right, so things like taking notes of telephone conversations, offers of interim accommodation, or consideration of its suitability are vital.

The individual case studies in this report demonstrate fault at different stages of the homeless process. But each of them also includes failures of administration causing avoidable distress, frustration, or uncertainty. Complainants often tell us that failings in communication or record keeping are why they complained in the first place.

The consecutive nature of homeless duties means that getting things wrong early in the process can 'snowball' into increasing fault and injustice. Failure to make inquiries when there is reason to believe someone is homeless, for example, might result in further failure to:

- > complete an assessment and issue a Personalised Housing Plan
- > provide interim accommodation
- > accept a relief duty
- > accept the main housing duty.

Getting things right at the start of the process, on the other hand, can put things on the right track for the rest of the homelessness journey.

From the case studies in this report and our wider casework we have identified learning for local housing authorities to improve their delivery of services to homeless people. We encourage councils to reflect on this learning and have provided some questions local scrutiny committees may find useful in maintaining effective oversight of these important duties.



Michael King
Local Government and
Social Care Ombudsman
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Complaints to the Ombudsman

Between 1 April 2021 and 31 March 2022, we completed detailed investigations on 126 complaints about homelessness. We found fault in 95 of those investigations. That means our uphold rate for homelessness cases was 75%. This is significantly higher than the uphold rate across all our investigations in the same period of 66%.

Many decisions councils make about homeless applications have statutory rights of review and then appeal to court. We expect people to use these rights. After carrying out an initial investigation (assessment) we will decide not to investigate in further detail complaints where these rights existed, unless we consider there was a good reason the complainant could not use them.

Legal context

Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities (the Code) set out councils' powers and duties to people who are eligible and homeless or threatened with homelessness.

The law, guidance, and case law about homelessness is complex. In this report, we try to explain the most important duties and what they mean in an accessible way, but intentionally do not cover every scenario.

Definitions

An applicant is **homeless** if they have:

- > no accommodation for them and others who already do, or might reasonably be expected to, live with them to occupy
- > no accommodation which they have a legal right to occupy
- > accommodation but cannot secure entry to it
- > nowhere to lawfully place moveable accommodation such as a houseboat or caravan
- > accommodation but it is not reasonable for them to continue to occupy it.

An applicant is **threatened with homelessness** if they:

- > are likely to become homeless within 56 days
- > have received a valid notice to leave the only accommodation available to them which expires within 56 days.

Certain duties arise when a council has **reason to believe** something may be the case. This is a very low threshold.

Other duties arise when a council is **satisfied** something is the case. This is a higher standard of proof than 'reason to believe' but is no higher than 'balance of probabilities'. This means a council will be 'satisfied' when it decides something is more likely than not to be the case.

Before the Homelessness Reduction Act came into force, councils only had statutory duties to people who had **priority need**. There are certain groups of people who will always be in priority need. This includes households with children and people homeless because of domestic violence. For other applicants, the test is whether a person is **vulnerable** because of age, mental illness, disability, or another special reason.

Duties

We have set out the most significant duties in the order in which they generally arise as an applicant moves through the process.

1. Taking homeless applications and making inquiries

If a council has reason to believe someone may be homeless or threatened with homelessness, it must take a homeless **application** and make **inquiries**. The threshold for taking an application is low. The person does not have to complete a specific form or approach a particular council department.

(Housing Act 1996, section 184 and Homelessness Code of Guidance paragraphs 6.2 and 18.5)

Having taken an application and made inquiries, if a council is satisfied an applicant is not homeless, it must give the applicant a decision in writing. The letter must fully explain the reasons for the decision. All letters must include information about the right to request a review and the timescale for doing so.

(Housing Act 1996, section 184)

2. Carrying out assessments

Having taken an application and made inquiries, if a council is satisfied an applicant is homeless or threatened with homelessness it must complete an assessment.

Councils must notify the applicant of the assessment. This assessment must include:

- a. the circumstances that have caused them to become homeless or threatened with homelessness
- b. their housing needs
- c. their support needs.

(Housing Act 1996, section 189A and Homelessness Code of Guidance paragraphs 11.7)

3. Personalised Housing Plans

Councils should work with applicants to identify practical and reasonable steps for the council and the applicant to take, to help the applicant keep or secure suitable accommodation. These steps should be tailored to the household, follow from the findings of the assessment, and must be provided to the applicant in writing as their personalised housing plan.

(Housing Act 1996, section 189A and Homelessness Code of Guidance paragraphs 11.6 and 11.18)

4. Preventing homelessness

If councils are satisfied applicants are threatened with homelessness and eligible for assistance, they must help them to secure that accommodation does not stop being available for their occupation. This is called the **prevention duty**.

(Housing Act 1996, section 195)

5. Providing accommodation

A council must secure **interim accommodation** for applicants and their household if it has reason to believe they may be homeless, eligible for assistance and have a priority need.

(Housing Act 1996, section 188)

6. Relieving homelessness

If councils are satisfied applicants are homeless and eligible for assistance, they must take reasonable steps to help them secure accommodation. This is called the **relief duty**.

The relief duty lasts a maximum of 56 days.

(Housing Act 1996, section 189B)

If, at the end of the relief duty, a council is satisfied an applicant is unintentionally homeless, eligible for assistance, and has a priority need the council has a duty to secure that accommodation is available for their occupation. This is called the **main duty**.

(Housing Act 1996, section 193)

Councils may not be able to end the main duty by providing secure or permanent accommodation straight away. While it owes the main duty, councils must provide **temporary accommodation**.

7. Ensuring accommodation is suitable

The law says councils must ensure all accommodation provided to homeless applicants is **suitable** for the needs of the applicant and members of their household. This duty applies to interim accommodation and accommodation provided under the main homelessness duty.

(Housing Act 1996, section 206 and Homelessness Code of Guidance 17.2)

8. Reviews

Councils have a duty to **notify** applicants about decisions, including what duty is owed and decisions to end those duties. All letters must include information about the right to request a review and the timescale for doing so.

(Housing Act 1996, section 184, Homelessness Code of Guidance 18.34 and 18.35)

Common issues

Not identifying homelessness and making inquiries

We often find councils at fault for failing to identify at the earliest opportunity that a complainant had made a homeless application. This leaves people waiting longer than they should for help, or without any help at all.

Opportunities to prevent or relieve homelessness may be missed as a result.

Caleb's story shows how fault at the start of the process can 'snowball', which compounds the injustice to the person.



Caleb's story

Case reference: [21 002 533](#)

What happened

Caleb fled his home at the start of the year, on the advice of police, because of harassment and violence. He ended up sofa surfing for a while.

In September, Caleb approached the council and said he was now sleeping in his van. The council said it 'triaged' him and gave him information about local services that may be able to help.

Caleb came back to the council some 16 months later in the January. He was still sleeping in his van. This time, the council did an assessment but did not accept a duty to him.

The council eventually offered interim accommodation in June. It accepted a relief duty in July and the main housing duty in September. This was two years after he first approached the council.

What we found

We found significant fault with the council that caused Caleb serious injustice.

The council had reason to believe Caleb was homeless when he first asked for help. It should have made inquiries at that point into whether it owed him a duty.

Our investigation found that, had the council made inquiries, it would have identified that Caleb was homeless having fled violence. It would have learned about his physical and mental health problems, including trauma from a violent assault. The council would then have had reason to believe Caleb was in priority need, meaning it should have provided interim accommodation.

The council should also have accepted the relief duty because Caleb was homeless. However, it did not do this for almost two years. During that time, Caleb slept in his van and his physical health deteriorated.

Putting things right

The council agreed to apologise and pay Caleb £8,100 to recognise the significant injustice of sleeping in his van for 21 months longer than he should have.



People do not have to approach the homeless services department, or complete a specific form, for a council's duty to take a homeless application and make inquiries to arise.

Often a council's duty to make inquiries is triggered when someone makes an application for social housing, as shown in Helen's story.

Officers dealing with applications should be aware of the statutory duties which arise if there is reason to believe someone might be homeless.



Helen's story

Case reference: [20 008 807](#)

Helen applied to join the council's housing register in October. She was living in a women's refuge. She had left her previous accommodation because of domestic abuse. The council did not make inquiries into what duty it owed Helen until the next July, when the refuge asked her to leave.

We found the council's failure to identify that its homeless duties were engaged in October was fault. This delayed the council accepting a duty to Helen for nine months.

Once it accepted a duty, Helen qualified for a higher priority on the housing register. The council's fault delayed her accessing this increased priority.

Our investigation said that it was likely Helen would have secured a property much sooner had the council not got things wrong and this was a significant injustice. The council agreed to pay Helen a symbolic payment to recognise the distress it caused and remind its staff about the council's duties to accept homeless applications, regardless of the format.

We encourage councils to provide training or guidance to all frontline services to ensure homeless applicants are identified and the right service notified. Other council departments likely to receive homeless applications include social care, housing benefits, and customer services.

It is important contractors delivering services on a council's behalf also understand the requirements.

Marcus' story shows how a gap in awareness can lead to significant injustice.



Marcus's story

Case reference: [21 012 511](#)

Marcus applied for a discretionary housing payment (DHP) to help him pay his rent in his private tenancy. A private contractor processes DHP applications on behalf of the council.

When he applied, Marcus said his landlord had given him notice to leave the property. Had the contractor referred Marcus to homeless services, the council might have been able to tell Marcus and his landlord that the notice was not valid.

But instead, Marcus moved out of the property. He applied for another DHP to help with a deposit for a new property. The contractor did not identify that in seeking help to obtain accommodation, Marcus' application indicated he might be homeless.

Our investigation found the council had a duty to assess Marcus' circumstances to make inquiries into what, if any, duty it owed him. Failure to do so was fault.

Learning points - Not identifying homelessness and making inquiries

Having 'reason to believe' someone might be homeless or threatened with homelessness is a very low threshold.

Councils must:

- > Make inquiries into whether they owe a further duty in all such cases. Councils should not require applicants to provide 'proof' of homelessness or require specific documents before making inquiries

- > Ensure frontline staff and contractors delivering services on the council's behalf are aware that a homeless application can be made to any department and refer people who indicate they may be homeless or threatened with homelessness to the relevant department for advice and assistance. Councils should provide guidance or training as necessary.

Common issues

Failings in the prevention and relief duties

The cases above highlight examples of councils failing to recognise or act on their duty to make inquiries. The purpose of those inquiries is for councils to decide what, if any, duty it owes the applicant. Despite the Homelessness Reduction Act having been in force for almost five years, we continue to see cases where councils fail in or misunderstand their duties to take steps to prevent or relieve homelessness.

Prevention

A council owes the prevention duty to all eligible applicants who it is satisfied are threatened with homelessness. Our investigations regularly find councils at fault for taking too long to accept this duty and for failing to tell the applicant in writing. Applicants have a statutory right to review a council's decision to accept a homelessness duty. Getting things wrong at this stage denies the applicant access to this important right.

We also see cases where councils have not understood the extent of the prevention duty. It is not only to help someone remain in their existing accommodation. If this is not possible, the prevention duty is also to help them find somewhere else to live.

Not accepting the prevention duty results in missed opportunities to prevent homelessness. By promptly accepting the prevention duty and taking action, a council may be able to prevent the applicant losing their accommodation and experiencing all the upset and disruption that inevitably follows.

Preventing an applicant from becoming homeless also frees up the council's resources for dealing with applicants where homelessness cannot be prevented. This is particularly important when resources are as stretched, as they are now.



Neil's story

Case reference: [21 016 752](#)

Neil had a history of mental ill-health. He approached the council because the family member he lived with was selling their home. He asked for help to find somewhere else to live.

The council did not take any action.

Next month, and just two days before Neil had to leave, the council completed an assessment and told him what to do on the day he became homeless. It offered no support to prevent his homelessness.

Because of the stress and uncertainty of his situation Neil took himself to hospital, concerned for his mental health and safety. He was admitted for two weeks.

The council told us there was nothing it could have done to prevent Neil's homelessness. It said because he was asked to leave by a family member, there was no prevention work it could do.

We found fault because the council failed to try to prevent Neil's homelessness by helping him look for alternative accommodation. Its approach to Neil's case indicated the council did not understand the extent of the prevention duty.

The council agreed to apologise to Neil, pay him a symbolic payment for his distress and uncertainty, and review its procedures to ensure it fully complies with its prevention duties.

Learning points - Prevention

Councils should:

- > ensure applicants are told about their statutory review rights
- > avoid delays as it limits opportunities to prevent homelessness

Preventing homelessness is not only helping someone stay in their current accommodation, but also taking steps to help people find alternative accommodation.

Relief

A council owes the relief duty to all eligible applicants it is satisfied are homeless. The duty is to take steps to help the applicant secure accommodation for at least six months.

As with the prevention duty, we often find councils at fault for delay accepting this duty and failing to tell the applicant in writing.

We also see cases where the council has not properly considered whether the prevention duty has ended or tells the applicant to come back when they are about to become homeless.

This may be appropriate advice in particular cases. However, the Code of Guidance encourages councils to offer assistance rather than delay providing support which might prevent homelessness.

(Homelessness Code of Guidance paragraph 12.2)

Unfortunately, we still see examples of councils not considering whether accommodation is reasonable to continue to occupy, and so whether the applicant is homeless, when their notice to leave a private tenancy has expired.

This can be summarised as the “wait for bailiffs” approach. Councils should not tell an applicant who is under notice to leave a private tenancy, that it will only help them once the landlord has applied to court for possession of the property.

A major aim of the Homelessness Reduction Act was to give councils statutory duties to help people in private tenancies who are under notice to quit. This is why the definition of “threatened with homelessness” makes specific reference to this group.

The “wait for bailiffs” approach results in missed opportunities to prevent homelessness. It means both applicants and councils end up scrambling to find accommodation at the last minute, which can result in avoidable costs to the council. Applicants may face unnecessary court costs.

This approach is contrary to the law and guidance and causes significant and avoidable distress and uncertainty for people at an already difficult time in their lives.

We will be critical of a council if it continues to apply a blanket policy on when it will provide support, or at what point in the eviction process it will offer interim accommodation.



Lloyd's story

Case reference: [21 001 348](#)

Lloyd lived with his wife and four children in privately rented accommodation. In July, Lloyd's landlord issued him with a notice to quit the property by January.

Lloyd asked the council for help in August. The council told him to stay in the property until the landlord applied to court for possession. Meanwhile, Lloyd was told to start looking for other private rented properties.

The council accepted the prevention duty and issued a Personalised Housing Plan.

In January, the landlord started court action. The council told Lloyd he might wait many months before anything happened. It said he didn't need to do anything at that point.

In February, the court made a possession order. Lloyd and his family had to move out by early March. The court also ordered Lloyd to pay £355 towards the landlord's court costs. The council told Lloyd that he was now eligible for financial

help from the council to secure another privately rented tenancy.

Our investigation found the council acted with fault when it told Lloyd he should wait for a court order. There was no evidence the council considered whether it was reasonable for Lloyd and his family to remain in the property after the notice expired. The council had not contacted the landlord to negotiate a longer stay. The landlord clearly intended to pursue possession.

As a result, Lloyd incurred avoidable court costs. It also caused him significant worry and distress and meant he only had a very short time to find somewhere else to live with help from the council's scheme.

Putting it right

The council agreed to apologise and pay Lloyd back for the court costs with an additional payment to recognise the avoidable distress it caused.

Learning points - Relief

- > Councils should not have a blanket policy requiring applicants to remain beyond the expiry date of a notice to leave a private tenancy
- > Councils should consider, in each case, whether it is reasonable to continue to occupy the property, in line with Chapter 6 of the Code of Guidance
- > Any decision that it is reasonable for the applicant to remain beyond the expiry date of a notice should be recorded and include the reasons
- > Any decision to depart from the Code of Guidance about when it will not be reasonable to remain in occupation should be recorded with detailed reasons

Common issues



Personalised Housing Plans

When the council is satisfied that an applicant is homeless or threatened with homelessness, it must complete an assessment and issue a Personalised Housing Plan (PHP). The PHP must be based on the assessment.

At a highly uncertain and frightening time, the PHP is a key document for the homeless applicant. It states what the council is doing, and what they can do, to prevent or relieve their homelessness. The PHP should be kept under review and amended to reflect changes in circumstances.

Despite being a legal duty for almost five years, our investigations continue to find fault with councils for:

- > failing to issue a PHP
- > failing to review the PHP, at least with every change in duty
- > not taking the steps it said it would take in the PHP
- > issuing poor quality, generic, or incomplete PHPs.

Deepa's story shows how failure to issue a PHP and keep it under review:

- > creates avoidable uncertainty and fear at a time when people are already frightened and distressed

- > results in avoidable frustration
- > misses opportunities to give applicants essential information.



Deepa's story

Case reference: [19 014 011](#)

Deepa told the council that her abusive ex-partner was about to be released from prison. He had continued to harass her from prison throughout his sentence, sometimes writing letters via neighbours.

The council told Deepa to come back when the release date was more imminent.

We found the council failed to complete an assessment at the earliest opportunity and therefore failed to accept the prevention duty.

Deepa was dealing with the distress and fear caused by her ex-partner's ongoing harassment. This fear only got worse as the release date approached. If the council had accepted a prevention duty, it would have also issued a PHP. This would have set out the steps for Deepa and the council to take to prevent her homelessness. This might have reassured Deepa that she would not be at risk when the perpetrator came out of prison. Instead, she had to live with the uncertainty of not knowing if she would move in time, or if the council would help her.

When the council eventually accepted a relief duty and provided interim accommodation four months later, it once again failed to issue a PHP.

When it responded to her complaint, the council said it was sometimes acting "behind the scenes" in ways Deepa might not have known about. If it had completed a PHP, Deepa would have known what she and the council should

do. Instead, she felt as though nothing was happening.

Deepa was a social housing tenant. She said the council told her not to give up her tenancy when it provided interim accommodation. Deepa told us she got no further advice about what to do about her tenancy and as a result, she accrued significant debts.

The council should have issued a PHP and kept it under review. It might have been appropriate for Deepa to maintain her tenancy for a short period while the council assessed whether it could take steps to make it safe for her return. If so, this should have been recorded in the PHP.

However, as soon as the council knew it was not intending for Deepa to return to the tenancy, it should have updated the PHP. At the very latest, it should have given her advice about her tenancy when it accepted the main duty to her. This would have enabled Deepa to make a timely and informed decision about whether to maintain her tenancy while in interim accommodation. Instead, she accrued avoidable debts.

Putting it right

The council agreed to apologise to Deepa, make a payment to recognise her avoidable distress and meet the cost of any rent and council tax arrears accrued after it accepted the main duty.

Agreeing the PHP means the council commits to take certain steps. It must then actually take those steps. If the PHP says the council will process an application to the housing register, it should do so. If the council agrees to contact the applicant on a certain date or to keep in regular contact, it should happen.

If the council offers access to a rent deposit or other scheme to support applicants to access the private rented sector, applicants must be able to do this when they need to.



Joanne's story

Case reference: [21 013 638](#)

Joanne was threatened with homelessness and the council accepted the prevention duty. In Joanne's PHP, the council said that, subject to checks, she could access a scheme to loan her money to secure a private rented property.

Joanne found a property. But despite repeated attempts, Joanne was unable to contact her

housing officer to apply to the scheme.

Fortunately, Joanne was able to borrow £3,000 from family and friends to meet the upfront costs of moving. Other applicants may not have been able to access this level of help and would have lost out on an opportunity to relieve their homelessness as a result.

Learning points - Personalised Housing Plans

Councils should:

- > issue PHPs which are relevant and contain steps for both the council and the applicant to take

- > ensure PHPs are reviewed with every change of duty, as a minimum.

If the council commits to steps in the PHP, it should take, and evidence, those steps.

Common issues

Interim accommodation

A council must secure interim accommodation for homeless applicants and their household if it has reason to believe they may be homeless, eligible, and have a priority need.

We often find councils at fault for failing to offer, or delaying offering, interim accommodation. We see too many cases where councils do not provide interim accommodation until they are 'satisfied' the applicant is homeless.

The duty arises when the council has 'reason to believe' an applicant may be homeless and in priority need.

The applicants to whom councils owe interim accommodation are often in urgent need of help and may be at risk of harm if the council fails in its duty.

Jared's story shows how delay providing interim accommodation can result in significant injustice.



Jared's story

Case reference: [21 006 060](#)

Jared told the council his landlord had asked him to leave the property in early January. Jared has several physical and mental health conditions which affect his day-to-day life.

The council accepted the relief duty in early February and issued a PHP.

Jared's landlord evicted him four days later. Jared tried to contact his worker at the council but could not reach anyone.

A few weeks later, with help from a representative, Jared asked the council for accommodation and a review of his PHP. The council did not respond.

Jared contacted the council again in early March. The council then provided interim accommodation. It said his case officer was on leave when Jared sought help in February.

Our investigation found the council should have provided interim accommodation on the day Jared was evicted.

As a result of its failure, Jared spent more than a month sleeping on the streets.

Putting it right

The council agreed to apologise and make a payment to Jared to reflect the distress and risk of harm caused by having to sleep on the streets.

The council also agreed to identify measures to make sure it can respond to applicants when their assigned case officer is on leave.

Interim accommodation must be suitable. This means it must meet the needs of the applicant and their household.

Councils should identify what will be required for a property to be suitable as part of its assessment of the applicant's needs and circumstances.

The council must keep suitability under review. This means it should consider, and keep a record, of any change in circumstances which might affect whether interim accommodation remains suitable.

Failure to provide suitable interim accommodation can have a significant impact on the health and dignity of applicants, as Ella's story shows.



Ella's story

Case reference: [22 000 406](#)

Ella lives with her partner and young child. She has multiple health conditions and uses a wheelchair to get around outside the home and crutches inside, if she can.

Ella approached the council for help in August. Her landlord wanted to sell the property they rented and had issued her a notice to leave.

In November, the council did a suitability assessment for interim accommodation. It found the family needed:

- > a two-bedroom property in the local area so Ella could access ongoing medical care
- > somewhere to store Ella's wheelchair safely
- > widened doorways and an accessible shower.

A few days later, the council accepted the relief duty. In the updated PHP, the council said Ella needed a two-bedroom property and that the family could move out of the area. The PHP had no actions for Ella or the council to take to relieve homelessness.

The council offered Ella interim accommodation in a one-bedroom property. It did not have an adapted bathroom or a wet-room. Only the front door was wheelchair accessible. Ella had to keep her wheelchair in the communal entrance area, which breached her contract with

the wheelchair provider. The charger for the wheelchair was later stolen.

After two weeks in the property, Ella told the council the lack of adaptations meant she was restricted to her bed for most of the day. She could not bathe, even with help from her husband, or use the kitchen.

The council responded by asking Ella for some financial information and telling her to look for private rented accommodation. Ella sent the information but the council lost it and she had to send it again.

The council should have made a decision about whether it owed the main duty in January but it did not do this. Ella's accommodation therefore remained interim.

Ella complained to the council. In March, the council accepted that the accommodation was unsuitable and that it owed her the main housing duty. From this point, Ella had a statutory right to review the suitability of the accommodation. However, by this point, the council had accepted it was unsuitable.

Our investigation said the council knew from the outset that Ella was disabled and used a wheelchair. If it had properly considered its assessment of her needs, it would not have offered the property in the first place.

It then failed to review the suitability of the property. When Ella told the council a few weeks after moving in that it wasn't suitable, the council should have considered this. We said that, had it done so, the council would have decided the property was unsuitable much sooner.

Instead, it took no steps to look for alternative accommodation for Ella and her family for almost six months.

Ella lived in circumstances where she could not regularly leave her bed, wash herself or use the kitchen, and risked losing her wheelchair. Living this way affected her ability to care for her child as well as herself.

Under Article 8 of the Human Rights Act, Ella has a right to respect for her private and family life. In failing to consider the suitability of the accommodation prior to offering it or when she raised concerns, the council failed to have due regard for this right. The council also had a duty under the Equality Act to take account of Ella's

needs as a disabled person. It failed to properly consider the suitability of the accommodation with regards to Ella's disability.

Putting it right

The council agreed to apologise to Ella and pay her £350 a month for every month she spent in the unsuitable accommodation. At the time of our decision, Ella had lived in the property for 11 months. The monthly payment would continue until the council offered Ella suitable accommodation or ended its duty to her.

The council also agreed to ensure it considered the needs of disabled applicants and remind its staff about the duty to keep suitability under review.

We recommended it share the decision with its staff to identify learning from the case and refer it to the relevant Cabinet Member or scrutiny committee.

Learning points - Interim accommodation

- > The duty to provide interim accommodation arises when the council has 'reason to believe' the applicant might be homeless and in priority need. Councils should therefore provide accommodation to these applicants while it decides what duty it owes
- > Interim accommodation must be suitable. Providing suitable accommodation relies on initial assessments and PHPs containing accurate detail about the applicant's needs
- > Suitability must be kept under review, especially when there is a change in circumstances or the applicant tells the council about issues affecting suitability

Common issues



Communication

Many of the case studies in this report demonstrate how failures in communication or excessive delay can result in additional distress, frustration and uncertainty at an already difficult time.

Jared tried to contact his housing officer for weeks with no reply, while he was sleeping on the street.

Joanne couldn't reach her housing officer to apply for the loan scheme to secure a private tenancy. As a result she had to borrow a large sum of money.

Deepa felt as though nothing was happening on her case, because the council had not told her what it was doing. This caused avoidable distress when she was dealing with ongoing harassment from her abusive ex-partner.

Neil waited more than a month for an initial appointment, by which time his homelessness was imminent.

Ella told the council her accommodation was so unsuitable she could barely leave her bed, and it responded by asking her for paperwork which it then lost and she had to send again. She had to

resort to the complaints process more than once just to get updates on her case.

While these cases are examples of councils failing in their statutory duties, such failures rarely happen in isolation. Instead, they are accompanied by, or result from, failures in communication or other poor administrative practice.

Other common issues in this area include failing to:

- > tell the applicant and/or not effectively pass on information when the case worker changes
- > respond to requests for contact
- > share information with other departments within the council, including housing allocations and social care
- > communicate with other public bodies, such as the police and other councils.



Daniel's story

Case reference: [21 015 451](#)

Daniel lives with his wife and four children. Three of their children have disabilities and complex needs.

The council accepted a prevention duty to Daniel because his landlord was selling their home.

The landlord agreed with the council that the family could remain in the property until it sold, at which time the council would provide accommodation. When the property sold, the council accepted the main duty but did not find the family anywhere else to live.

The council agreed internally to increase the family's priority on its housing register from Band A to Band A* a number of times, but did not implement this for more than two years.

What we found

Along with failing to provide temporary accommodation, we found the council at fault in how it communicated with the family. It failed to tell Daniel when the allocated housing officer changed and the new officer did not contact the family for several months.

Both Daniel and his wife are full time carers for their children who have complex needs. The council's delays in communicating with them caused avoidable distress at an already difficult time.

We also found the council often emailed Daniel on Friday afternoons. This meant he could not follow up with anyone until Monday. Daniel told us how this would frustrate and distract him over the weekend. He would then contact the council on Monday, only for it to delay responding to him again.

The council was also at fault for failures in its internal communication. Despite agreeing to increase the family's priority on the housing register, the council took 30 months to do so. It failed to communicate with its allocations service to ensure the change took place on several occasions. This caused significant avoidable distress and uncertainty for Daniel and his family.

Putting it right

The council agreed to find suitable accommodation for the family and pay a financial remedy to reflect its delay doing this.

To remedy the injustice caused by its poor communications, the council agreed to pay Daniel a further £1,000.

Common issues



Reviews

Unlike some other service areas, housing law sets out a requirement to communicate certain decisions in writing. This is sometimes called the 'notification duty'. Prior to the Homelessness Reduction Act, the notification duty applied to a decision that an applicant was:

- > not homeless
- > not eligible
- > not in priority need
- > intentionally homeless
- > owed the main housing duty.

The Homelessness Reduction Act introduced many more decisions which councils must set out in writing. This includes:

- > the assessment of the applicant's circumstances
- > the PHP
- > a decision to accept the prevention duty
- > a decision to end the prevention duty
- > a decision to accept the relief duty
- > a decision to end the relief duty.

The council must also tell applicants in writing about any offers of accommodation to discharge or end a duty.

This means the council might issue one homeless applicant more than eight different letters and documents at various times.

Although potentially numerous, these letters are important. Homeless people will, naturally, have less knowledge of the law and processes than council officers.

Notification letters are a way for councils to explain this process and help applicants understand what to expect.

These letters must also tell applicants about their statutory right to review the decision and, if it is an adverse decision, give reasons for it.

Councils can combine some decisions into one letter, such as when ending the prevention duty and accepting the relief duty. However, such letters must still explain clearly to the applicant how they can ask for a review of each decision notified.



Lucy's story

Case reference: [22 000 816](#)

Lucy told the council she and her son were homeless in March. The council accepted the relief duty and provided a PHP. The PHP included details of Lucy and her son's medical needs.

The council provided interim accommodation in April. Lucy told the council she thought the accommodation would not be suitable for very long.

The council accepted the main duty in June. This meant the interim accommodation was now temporary accommodation.

The letter said Lucy could ask for a review of its decision to accept the main duty.

We found fault with how the council notified Lucy of her statutory review rights. The letter accepting the main duty was not clear that Lucy now had a right to review the suitability of her temporary accommodation.

As a result, Lucy did not know she had this right.

Putting it right

The council agreed to make a payment to Lucy and change its template letters to make sure applicants know about their review rights.



Promoting Good Practice

Remedying personal injustice is an essential part of what we do. However, we also make recommendations to help councils improve services and address systemic failures.

Drawing on our casework, we have identified some practical steps councils can take.

- > Keep accurate, up to date records of activity on homeless cases, including decisions about suitability and decisions about whether to provide interim accommodation
- > Develop template letters which explain the various homelessness duties in plain English, avoiding or explaining jargon
- > Make sure all template letters set out the statutory right to review
- > Use assessments and PHPs which include the statutory questions, and provide guidance to staff on completing them
- > Keep PHPs under review and update them at least with every change in duty
- > Implement a suitable mechanism for officers in the allocations team to notify homelessness services about applications for social housing which may also be a homeless application
- > Develop joint working protocols and information sharing agreements with other departments such as children's services, adult social care, and benefits
- > Set time targets for responding to requests for contact from homeless applicants
- > Give applicants and staff clear guidance on the process for accessing financial schemes such as rent deposit or other homeless prevention funds
- > Have a system of cover for officers on leave or off sick

Encouraging local accountability - Questions for scrutiny



We want to share learning from our complaints with locally elected councillors who have the democratic right to scrutinise the way councils carry out their functions and hold them to account.

We suggest some questions elected members could ask officers, to ensure their services receive proper and effective scrutiny and are accountable to local people.

- > What arrangements are in place to ensure all front-line staff know what to do if they have contact with someone who appears to/may have housing issues?
- > How does the council keep track of applicants whose notice to leave private rented accommodation has expired but who remain in the property?
 - Are there well-recorded decisions justifying this in each case?
 - What triggers a review of the decision that it is reasonable to remain?
- > How does the council make sure Personalised Housing Plans (PHPs) are tailored to the individual and kept under review?
- > What steps can officers take to prevent or relieve homelessness?
 - How does the council provide staff with guidance on these steps?
- > Is there a difference between the number of households with a priority need owed the relief duty and provided interim accommodation?
 - Is it clear in each case why interim accommodation was not provided?
- > What robust processes are in place to ensure the council can meet its homeless duties during periods of staff absence or leave?

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