

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

Summary: Miss X complains that the Council has not correctly assessed her housing register application. The Ombudsman considers the Council has followed procedure by assessing Miss X's application and supporting information against its allocation scheme. There is no evidence of fault and we have completed the investigation.

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## **The complaint**

1. Miss X complains that the Council has not correctly assessed her housing register application.

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

2. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)
3. 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. (*Local Government Act 1974, section 34(3), as amended*)

## **How I considered this complaint**

4. I have considered the complaint and supporting information supplied by Miss X and the Council.
5. I have also considered the Ombudsman's final decision on a similar complaint submitted by Miss X (16 009 296).
6. Miss X and the Council have had an opportunity to comment on my draft decision.

## **What I found**

### **The law**

7. The Housing Act 1996 states that every local housing authority must publish an allocations scheme that sets out how it prioritises applicants, and its procedures for allocating housing.

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8. An allocations scheme must give reasonable preference to applicants in the following categories:
    - homeless people;
    - people in insanitary, overcrowded or unsatisfactory housing;
    - people who need to move on medical or welfare grounds; and
    - people who need to move to avoid hardship.
  9. The Localism Act 2011 introduced new freedoms to allow councils to better manage their waiting list and to tailor their allocation priorities to meet local needs.

### ***The Council's housing allocations scheme***

10. The Council's allocations scheme outlines five housing bands, within which it sets out criteria that applicants must meet before qualifying for the housing register.
11. The band that, according to what Miss X has said, may apply to her is the Home-seeker Band (H):
  - *Moderate medical grounds*

*"The applicant's housing is unsuitable for severe medical reasons or due to their disability, but they are not housebound or their life is not at risk due to their current housing, but the housing conditions directly contribute to causing serious ill-health."*

- *Need to move for care or support*

*"The applicant wishes to move to a certain locality where not doing so would cause hardship".*

### **What did happen?**

12. In 2017, the Ombudsman upheld a similar complaint from Miss X (16 009 296). In this previous case, the Council was found to be at fault for not considering a medical form when it removed Miss X from the housing register. The Council then considered the medical information but its decision did not change. The Council agreed with the Ombudsman's remedy to consider any appeal Miss X may choose to make to remedy the injustice caused.
13. In 2017, Miss X appealed the decision. This was rejected on the grounds that her circumstances did not meet the required criteria in the Council's housing allocation scheme.
14. Miss X made a new application for the housing register in January 2018 as she considered that her circumstances had changed.
15. Miss X provided the information requested by the Council including a medical questionnaire. This set out her medical issues including Asperger's syndrome, agoraphobia, panic disorder, anxiety and depression.
16. The Council completed a medical assessment based on the contents of the medical questionnaire and concluded that Miss X did not have a medical priority for housing need. The Council rejected Miss X's application to join the housing register.
17. Miss X requested a review of the decision as she disagrees with the qualification criteria chart. She says that she meets the requirements under two categories: her medical needs, and the wish to move in borough where not doing so would cause hardship.

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18. The Council rejected the review. It stated that to meet the criteria, Miss X's current housing conditions must directly contribute to her ill health. The Council was also satisfied that the distance between Miss X and her mother is not unreasonable for her mother to provide care and support to her.
  19. Miss X appealed the Council's decision on the same grounds as her review request. The Council rejected the appeal and provided very comprehensive reasons in support of the decision. The letter states that there is no evidence that the Council has contravened its own policies or the relevant legislation.
  20. Miss X complained to the Council. The Council responded to Miss X, stating that based on the information provided, the issue will be dealt with as a 'request for service' and will not be dealt with under the Council complaints procedure.
  21. The 'service request' was passed on to the Housing Reviews Team who said that they would not consider it as a new appeal as it covers the same ground as one completed the previous week.
  22. Miss X then complained to the Local Government Ombudsman.

### **Analysis**

23. The Council's allocation scheme is clear – housing applicants must meet the criteria it outlines if they are to qualify for the housing register.
24. Miss X submitted a medical questionnaire in support of her argument that she has medical needs which means she qualifies for the register. The Council completed a medical assessment which concluded that Miss X has no medical priority. Whilst the Council recognised that Miss X has medical conditions, they are not regarded as 'moderate medical' for the purpose of joining the housing register.
25. I am satisfied that the Council has carried out its duties by assessing Miss X's medical needs in line with the housing allocation scheme.
26. Miss X also argues that she qualifies under the need to move for care and support. The Council has assessed this issue at length and concludes that the distance between Miss X and her mother is not an unreasonable distance for Miss X's mother to travel to provide Miss X care.
27. I am satisfied that the Council has carried out its duties by assessing Miss X's care needs in line with the housing allocation scheme.

### **Final decision**

28. After considering further comments by Miss X and the Council, I have completed this investigation.
29. The Council followed the proper procedures in coming to the decision about Miss X's housing needs.
30. Although Miss X disagrees with the merits of the decision, there was no fault in the way it was made.

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