

Complaint reference:
17 008 675

Complaint against:
East Devon District Council

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr X's complaint that his current property is unsuitable and he should be in a higher allocations band. This is because it is unlikely further investigation would find fault.

The complaint

1. Mr X complains his current property is unsuitable and the Council has failed to consider his family's circumstances when deciding if he needs to move property.

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 or continue with an investigation if we believe:
 - it is unlikely we would find fault, or
 - it is unlikely further investigation will lead to a different outcome.
 - we cannot achieve the outcome someone wants.

(Local Government Act 1974, section 24A(6), as amended)

How I considered this complaint

3. I have considered information supplied by the Council and Mr X. Mr X has had an opportunity to comment on my draft decision.

What I found

4. The Council is under a legal duty to have a scheme for allocating accommodation. The Council has the right to set its own housing policies and decide all aspects of the allocations process. The law says the Council must give people with a high housing need "*reasonable preference*" through the allocations scheme. This includes people at risk of homelessness and those who need to move for medical or welfare reasons.
5. Mr X and his family were threatened with homelessness in 2016. However, before they became homeless the Council offered Mr X and his family a property through its allocations scheme. The Council offered Mr X the opportunity to view the property and he accepted a 12 months introductory tenancy.

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6. In 2017 Mr X applied to the Council to move to a property nearer to where the family had previously lived. Mr X sent in information about his son's medical needs with the application and asked the Council to apply medical priority to his banding. The Council accepted the application but did not award medical priority. It said the medical and wellbeing issues were not impacted by the current property and placed Mr X in Band E.
 7. Mr X complained to the Council, he said the current property was in an unsuitable location. The Council did not uphold the complaint. It said Mr X had accepted its offer of the current property and it had considered all the family's needs in deciding what band to allocate Mr X. Mr X remained unhappy and complained to the Ombudsman.
 8. Mr X accepted the Council's offer of accommodation in 2016. He did this knowing its location and had the opportunity to view the property. When Mr X applied to relocate the Council considered all the information, including the medical needs of Mr X's family, before deciding his banding. There is no evidence of fault in the Council's actions and it is unlikely further investigation would find any.

Final decision

9. I have decided the Ombudsman should not investigate this complaint. This is because it is unlikely further investigation would find fault.

Investigator's decision on behalf of the Ombudsman