

The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the complainant's priority on 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 way the Council has handled her housing application. She thinks the Council should increase her banding on 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 a letter the Council sent to Ms X about her banding. 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

Allocations policy

4. The Council places people in bands to help it determine priority for housing. The Council places people in band C if their housing situation is seriously affecting their health and a move is needed to prevent a significant and serious deterioration in their health. The Council places people in band B if their housing situation has caused the person to become housebound, at risk of injury or unable to live independently.

What happened

5. Ms X lives in a three bedroom house with her four sons. Ms X is in band C on the housing register for health reasons and because she needs another bedroom. She is registered for a four bedroom home.

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6. Ms X thinks she should have more priority. She has submitted medical evidence which says she would benefit from moving out of the area and to a different area where she has more family and friends. The Council reviewed her housing application but decided that band C is correct.

Assessment

7. I will not start an investigation because there is insufficient evidence of fault by the Council. This is because the decision to place Ms X in band C is consistent with the policy and the medical evidence, and recognises that moving would be beneficial for her health. There is no evidence that the impact of her housing situation is so severe that she qualifies for band B.

Final decision

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

Investigator's decision on behalf of the Ombudsman