

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

Summary: The Ombudsman found no fault with the Council's handling of the complainant's application for social housing.

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## **The complaint**

1. The complainant, who I will call Miss G, complains that the Council refuses to accommodate her in the area, despite previously having allowed her to bid for properties locally.

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

2. 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*)
3. 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*)

## **How I considered this complaint**

4. In reaching this decision, I considered information provided by Miss G and discussed the complaint with her. I also considered documentation provided by the Council. In addition, I took account of relevant guidance and legislation.
5. I also invited comments on my draft decision statement from the Council and Miss G. However, I received no response from Miss G.

## **What I found**

### **Relevant legislation and guidance**

#### **The Housing Act 1996**

6. The Housing Act 1996 (the Act) sets out local authorities' duties and responsibilities in respect of homelessness.
7. Section 193(2) of the Act places a duty on local authorities to provide suitable accommodation to people who have been made unintentionally homeless, are eligible for assistance and have a priority need for accommodation. This is often known as 'the main homelessness duty'.

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8. The Act also places a wider duty on local authorities to ensure that accommodation offered to people who are homeless, or who the local authority considers to be eligible for housing assistance, is suitable for their needs.

### **Local policy**

9. The Council uses a housing allocations policy entitled Devon Home Choice Procedures Manual (the local housing policy). This explains the procedure for allocating social housing in the area.
10. The Council allocates all applicants a housing priority need banding from A to E. Those applicants with emergency housing needs are placed in Band A. Those applicants without any specific housing needs are placed in Band E.

### **Key facts**

11. Miss G was living in Council accommodation in the East Devon area with her two children.
12. In April 2016, Miss G contacted the Council to request a move from her existing property due to harassment from an ex-partner.
13. In May 2016, the police were called to an incident in which Miss G's ex-partner had threatened her. As a result, the police referred the matter to the Council.
14. The Council placed Miss G in a refuge in a neighbouring county as it was unable to locate a suitable refuge in Devon.
15. In June 2016, the Council accepted the main homelessness duty to Miss G. The Council placed Miss G in Band B as she was considered to be homeless.
16. The Council offered Miss G a property in the East Devon area in August 2016. However, Miss G felt unable to accept the property as she was concerned about her safety.
17. In December 2016, Miss G accepted a tenancy in the neighbouring county. As a result, the Council discharged its homelessness duty to Miss G.
18. Miss G submitted a housing application to the Council in June 2017 as she wanted to move back to East Devon.
19. The Council initially awarded Miss G Band E housing priority. However, she subsequently submitted further information in support of her application, including a letter from her GP. As a result, the Council awarded Miss G Band D priority. This was in recognition of the fact that the location of Miss G's present accommodation was adversely affecting her health and welfare as she was separated from her friends and family.
20. The Council contacted Miss G in January 2018 to explain that it would not offer her a property in East Devon. The Council said it considered Miss G to still be at risk as her ex-partner lived in the area.
21. Miss G complained to the Council later that month. However, the Council maintained that it would not be prepared to offer Miss G accommodation in the East Devon area as it could not be assured this would be safe. The Council said Miss G would need to provide supporting information from the police or local domestic violence service to demonstrate there was no longer a threat to her before it could consider her for housing in the area.

### **Analysis**

22. The Council's records show the police referred Miss G to the local domestic violence service in May 2016 following an incident involving her ex-partner. The

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Council's records show the professionals involved in Miss G's case felt her to be at significant risk.

23. As a result, they arranged for her to be accommodated in a refuge. As no suitable places were available in the area, the Council placed Miss G in a refuge in a neighbouring county.
24. As Miss G wanted to return to the East Devon area, the Council accepted her onto the housing register. The Council allocated Miss G Band B priority as, by that stage, it had accepted the main homelessness duty to her. This was in keeping with the local housing policy.
25. This led the Council to offer Miss G a property in East Devon in June 2016. In response to my enquiries, the Council said it had no reason at that time to believe Miss G would be at risk in the area in question. However, Miss G declined the property as she felt she would not be safe in that area. She later accepted an offer in a neighbouring county.
26. When the Council accepted Miss G back onto the housing register in November 2017, it awarded her Band E priority (the band used for those with no specific housing needs). This was because Miss G was no longer considered to be homeless. The Council subsequently changed this to Band D as Miss G provided supporting information to show she felt depressed and isolated away from her family and friends. Again, this was in keeping with the Council's duties under the Act and the local housing policy.
27. However, in January 2018, the Council advised Miss G that it did not consider it safe for her to move back to East Devon as her ex-partner and his family still lived in the area. The Council said Miss G would need to provide evidence from the police or another professional agency to show there was no longer any risk to her in East Devon.
28. It is understandable Miss G wants to live closer to her family and friends. In my view, the Council has recognised the impact this has had on Miss G's health.
29. Nevertheless, I accept the Council needs to balance this against the risks posed to Miss G by a move back into the area. The Council has a duty to ensure any accommodation is suitable. It also has a wider responsibility for the wellbeing of people in the East Devon area. The records show the Council had strong evidence to suggest Miss G would be at risk if she returned to the area. In the absence of any evidence to suggest this risk no longer exists, the Council cannot be assured that it could accommodate Miss G safely.
30. While I appreciate Miss G does not agree with the Council's decision, I am satisfied the Council acted without fault in this case.

### **Final decision**

31. I found no fault by the Council in how it handled Miss G's accommodation. I have now completed my investigation on this basis.

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