

NOTICE OF MEETING

CABINET MEMBER SIGNING

Friday, 23rd March, 2018, 10.00 am - Civic Centre, High Road, Wood Green, N22 8LE

Councillor Alan Strickland - Cabinet Member for Housing, Regeneration and Planning

Quorum: 1

1. FILMING AT MEETINGS

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2. URGENT BUSINESS

The Leader/Cabinet Member will advise of any items they have decided to take as urgent business.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

4. LOCAL GOVERNMENT OMBUDSMAN FINDING (PAGES 1 - 26)

5. URGENT BUSINESS

As per item 2

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Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
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Thursday, 15 March 2018

Report for: Cabinet Member Signing, 23rd March 2018

Title: Local Government Ombudsman finding

Report authorised by : Dan Hawthorn, Director of Housing and Growth

Lead Officer: Chris Liffen, Managing Director, Homes for Haringey

Ward(s) affected: Northumberland Park

**Report for Key/
Non Key Decision:** Non-key

1. Describe the issue under consideration

- 1.1 This report has been compiled following notification of the outcome of a complaint made to the Local Government & Social Care Ombudsman (the Ombudsman) by Ms X, a former homeless applicant placed into temporary accommodation by Homes for Haringey in discharge of the Council's statutory duties owed to her.
- 1.2 The complaint centred on the suitability of the temporary accommodation provided, which had a lack of cold water supply to the kitchen, as well as other defects.
- 1.3 The Ombudsman found fault on the part of the Council, which had caused injustice to Ms X. He also made a number of Recommendations which are included within his report (appendix one) as well as this report.
- 1.4 The purpose of this report is to bring the matter to the Council's attention, and to seek authority to implement proposed action to be taken in response to the non compensatory parts of the Recommendations made by the Ombudsman in his report.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

It is recommended that the Cabinet Member for Housing, Regeneration and Planning:

- 3.1 Notes the outcome of the Ombudsman's investigation contained in his report dated 31st January 2018.

- 3.2 Notes the content of a report to the Corporate Committee meeting on 22nd March 2018, and the resolution adopted.
- 3.3. Agrees and authorises the implementation of the actions proposed by Homes for Haringey to address the non compensatory aspects of the Ombudsman's Recommendations.

4. Reasons for decision

- 4.1 In view of the fact that officers and Homes for Haringey (HfH) accept the findings of the Ombudsman, coupled with the fact that the Corporate Committee only has the Constitutional power to authorise compensatory payments, the issue has to be determined by Cabinet / Cabinet Member signing. Further, this referral is also required in order to comply with the requirement made by the Ombudsman to provide written evidence of the fact that his report has been considered by "full Council or Cabinet".

5. Alternative options considered

- 5.1 Council Officers and HfH have accepted the outcome of the Ombudsman investigation, so no other options have been considered.

6. Background information

- 6.1 Ms X made an application to the Council as being homeless in 2015. Her application was accepted by HfH acting for and on behalf of the Council under the terms of the Management Agreement between the two organisations, and she was placed into temporary accommodation (TA). Subsequently, Ms X was transferred to alternative TA on 19 October 2016, a property on an estate used as TA pending regeneration of the area.
- 6.2 The TA in question, along with some other similar tower blocks on the estate, has an old plumbing system not replaced since it was built, and not responsive to increased demand for water. HfH has been aware of problems affecting the block, in particular the higher floors. Whilst solutions have been sought, none have remedied the problem, including the installation of new water pumps in December 2015.
- 6.3 Void repairs were carried out on the property prior to Ms X moving in. When she viewed and then moved into the property, Ms X reported outstanding repair concerns. It appears as though when the heating system was tested there was insufficient water in the tank, leaving Ms X without heating for five days.
- 6.4 Ms X requested a review of the suitability of the accommodation, under section 202 of the 1996 Housing Act, Part VII (as amended), which must be completed within 56 days. The review focused on the size of the accommodation and repair issues including possible mould in the bedroom and a lack of heating and hot water. The review was submitted on 31 October 2016.

- 6.5 On 1 November 2016, Ms X complained to ward councillors about the lack of water and heating and a response to her complaint arranged for surveyors to visit her flat. It also confirmed that a Mechanical Engineer had visited on 16 November and confirmed the lack of a cold water supply to the kitchen. He was waiting for a contractor report and outcomes from resident surveys prior to ordering any works.
- 6.6 In the response to her complaint, Ms X was advised that her review would be considered separately. She did not receive a response to this request.
- 6.7 Ms X wrote on 8 February 2017 advising of the lack of progress with the repairs and the lack of cold water; the low pressure of which affected the heating and hot water supply. She also complained of problems with lift breakdowns (records confirm 15 failures in 10 months) and of anti-social behaviour.
- 6.8 On 20 February, Ms X was written to by the Feedback team with an apology for the failure to respond to her stage 2 complaint and that she should receive a response to her suitability review within 2 weeks. This did not materialise and the officer due to respond to it had since left his position.
- 6.9 In the meantime, on 6 March 2017, Ms X was put on the list to be transferred to alternative TA. She was offered another property in the same block on 16 May but did not take up the offer due to her concerns about the water supply. The refusal was later accepted by HfH as a reasonable refusal and an alternative offer of accommodation was made.
- 6.10 On 13 June, another officer considered and upheld Ms X's review but this decision does not appear to have been conveyed to Ms X.
- 6.11 On 6 July, the Head of Service (Occupancy Management) wrote to Ms X, accepting that the flat was not suitable as there was no adequate water supply and apologised for the hitherto poor communication.
- 6.12 Ms X met with the Head of Service on 27 July 2017 and he confirmed the outcome of the meeting to her. He acknowledged the lack of water supply, stating that she should be provided with bottled water and again confirmed that the lack of a response to her review and communication with her had been poor. He agreed that bottled water would be delivered. He further advised that a new property, in the private rented sector had been identified for her. Ms X moved into the property on 31 August 2017.
- 6.13 HfH has since changed the way reviews are dealt with; with all review requests now being logged and monitored centrally and sent to an external consultant to make the decision.
- 6.14 The report from the Ombudsman concluded that Ms X spent 10 months in unsuitable accommodation; without an adequate supply of cold water. She used bottled water and was unable to use her washing machine.

- 6.15 This lack of cold water meant the accommodation fell below acceptable standards and she should not have been placed in the accommodation.
- 6.16 There was a failure to respond to Ms X's request for a review of the suitability of the accommodation. The later acceptance that the accommodation was unsuitable does not negate the requirement to issue a review decision.
- 6.17 The Stage 2 Complaint was not responded to. The Ombudsman concluded that her complaint was not fully considered until July 2017 and even then she did not receive the bottled water as had been agreed.
- 6.18 Ms X believed the black marks to the bedroom ceiling to have been mould and it was confirmed only at the end of November that the marks were a result of smoke damage and if she had known this she would have been able to have used the room earlier for her and her baby.
- 6.19 In conclusion, the Ombudsman found that Ms X and her family were left in unacceptable living conditions for far too long. She was put to the inconvenience and expense of buying bottled water and taking her laundry elsewhere, causing the family real hardship. The report commented that the injustice was exceptionally severe and prolonged and made a number of recommendations, which the Authority accepted it would action within 3 months of the date of the report. These were to:
- Send Ms X a letter of apology (from the Council's Head of Service)
 - Pay Ms X £300 a month from October 2016 to August 2017
 - Pay an additional £20 per week to reimburse her for bottled water from 19/10/16 to 31/8/17
 - Pay an additional £15 per week for using laundry facilities for the same period
 - Advise of the steps taken to ensure that other homeless households placed in the block do not experience similar problems
 - Put robust systems in place to log and track the progress of review requests to ensure compliance with the eight-week timescale
 - Remind officers of the requirement to issue a written decision on every review request.
- 6.20 All of the Ombudsman's Recommendations have been agreed by officers and HfH. Accordingly, the Recommendations relating to compensatory payment to Ms X were considered by the Corporate Committee - under its Terms of Reference in these cases - at its meeting on 22nd March 2018. A copy of the report to that Committee is at Appendix 2 to this report. Given the proximity of the date of that meeting, to the date on which the Cabinet Member will consider this report, the minutes of that meeting will not be available. Accordingly, officers will provide a verbal report to the Cabinet Member on the resolution(s) adopted by the Committee.

6.21 In terms of the Ombudsman's specific findings and Recommendations which fall within the terms of reference for Cabinet / a Cabinet Member, the following actions will be undertaken by HfH subject to the Cabinet Member's authorisation:

- HfH has apologised in emails to Ms X of 6 July and 27 July 2017 as well as verbally on 27 July 2017. The apologies included acknowledgements of poor service in not carrying out the review Ms X submitted in October 2016. Even though HfH was attempting to source alternative accommodation for Ms X, it still failed to communicate with her sufficiently and she was also apologised to for this. HfH further acknowledged that it did not supply her with drinking water. A further apology following the report will be issued by the Council's Head of Service.
- HfH has taken the decision not to let properties where there are similar issues with the cold water supply. As well as the property in question, there are another five properties in the block which are void due to the water issue. A further two flats are void in another block for the same reasons. HfH has procured a new remote monitoring system for all water tanks, which will provide early warning of issues around water pressure and low water levels in tanks. These are due for installation within the next two months and will ensure that problems are identified and rectified before they impact on residents.
- HfH has created a new senior role within its Mechanical and Electrical Service with responsibility for all water maintenance contracts. This will improve the robustness with which it manages its external contracts. The role will be filled in the next two months.
- HfH has introduced a new major incidents process where a significant loss of service is highlighted to the Executive team and tracked through to completion, ensuring visibility of serious cases from the point in time they emerge to their resolution.
- At the time Ms X's review was submitted, the process was that reviews were logged to the relevant service manager. This clearly failed to record all reviews received. HfH has since changed this process. All requests for reviews are now logged centrally within Housing Demand and are sent to an independent Reviewer for a decision. The requests are monitored and the Reviewer contacted should there be concerns over whether the review may take longer than anticipated. Prior to a review of the suitability of accommodation being sent to the independent Reviewer, the service considers whether the review request is reasonable. If it is considered to be reasonable then this would be acknowledged and an alternative property sought.
- Customers are written to, acknowledging that their review has been received.
- HfH has introduced a new performance indicator to ensure that suitability reviews are tracked and monitored by the Executive Management team through monthly performance meetings.

7. Lessons learned

- 7.1 HfH is aware that its failure to address the issues at an early stage led to distress for Ms X over the 10 months of her stay at the property and reputational damage for both Homes for Haringey and Haringey Council.
- 7.2 Following the issues at the property, HfH has taken the decision not to let other properties which become vacant at the block until a solution is found and implemented, which ensures that the properties have cold running water and adequate water pressure to run a washing machine.
- 7.3 The Ombudsman's conclusions and recommendations have been fully accepted, and HfH processes have been revised accordingly to ensure that there can be no repetition of the failures to carry out a statutory review.
- 7.4 HfH has implemented a range of changes to our processes and procedures, detailed in the actions taken paragraph above, to ensure this scenario does not reoccur.

8. Contribution to strategic outcomes

- 8.1 To create homes and communities where people choose to live and are able to thrive (**Priority 5** - Sustainable Housing Growth and Employment)

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

The compensation payments as outlined in paragraph 6.20 were considered by the Corporate Committee - under its Terms of Reference in these cases - at its meeting on 22nd March 2018. As such, there are no financial implications arising from the recommendations contained in this report.

Procurement

Not applicable

Legal

The Assistant Director, Corporate Governance has been consulted in the preparation of this report, and makes the following comments.

The Cabinet Member for Housing Regeneration and Planning has the constitutionally delegated power to determine matters which relate to Executive functions.

The Assistant Director, Corporate Governance advises that the non compensatory aspects of the Recommendations made by the Ombudsman in his report are Executive in that they are Housing Services and service improvement related - see Part Three, Section C of the Constitution.

Accordingly, the Cabinet Member for Housing Regeneration and Planning has the authority to approve Recommendation 3.3 of the report.

Equality

The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

The following groups are more likely to be living in temporary accommodation:

- Black households who, statistically, make up the vast majority of households in temporary accommodation
- Lone parent households, most commonly headed by women
- Women, who statistically make up the vast majority of individuals who approach the homelessness service for support
- Young people who identify as LGBTQ
- Those with mental health needs

We also know that those living in housing managed by Homes for Haringey are more likely to be:

- Women
- Black
- Older (65+)

The lessons learned from this issue mean that HfH will implement new practices and procedures to make sure that problems with housing maintenance are resolved promptly, and that complaints are dealt with effectively. This will help ensure that residents living in housing managed and maintained by HfH, whether temporary accommodation or general needs council housing, are not receiving unsatisfactory housing maintenance, repairs and customer service, and ensures that there is not a negative impact on the groups listed above. This is particularly important for those living in temporary accommodation who are particularly likely to be more vulnerable than most.

10. Use of Appendices

Copy of Ombudsman report (appendix one)

Copy of the report to Corporate Committee dated 22nd March 2018

11. **Local Government (Access to Information) Act 1985**
Not applicable

**Report by the Local Government and Social Care
Ombudsman**

**Investigation into a complaint against
London Borough of Haringey
(reference number: 16 014 926)**

31 January 2018

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X	The complainant
Officer A	A manager in the Move on and Temporary Accommodation team
Officer B	A Reviews Officer
Officer C	A manager in the Move On team

Report summary

Subject

Ms X and her family were homeless. She complains the Council placed her in unsuitable temporary accommodation which had no cold water supply in the kitchen and other defects.

Finding

Fault causing injustice and recommendations made.

Recommendations

The Council has agreed to take the following action within three months of the date of this report:

- send Ms X a letter of apology (from the Council's Head of Service);
- pay Ms X £300 a month for 10 months from October 2016 to August 2017;
- pay an additional £20 a week to reimburse her for the bottled water she bought from 19 October 2016 until 31 August 2017;
- pay an additional £15 a week for the extra expense of using laundry facilities outside the flat for the same period;
- tell us what steps it has taken to ensure that any other homeless families placed in the block do not experience similar problems to Ms X;
- put robust systems in place to log and track the progress of review requests to ensure compliance with the eight-week timescale;
- remind officers of the requirement to issue a written decision on every review request.

The complaint

1. Ms X complains the Council placed her in unsuitable temporary accommodation that had no cold water supply in the kitchen and other defects. It then failed to respond to her request for a review of the suitability of the accommodation. It also failed to investigate her complaint at the second stage of its complaints procedure.

Relevant law and guidance

The Ombudsman's role

2. We investigate complaints about 'maladministration' and 'service failure'. In this report, we 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. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

Duties to the homeless and suitability of temporary accommodation

3. If a council is satisfied someone is eligible, homeless, in priority need and unintentionally homeless then it owes them the main housing duty. Generally, the Council carries out this duty by arranging temporary accommodation until it makes a suitable offer of social housing or private rented accommodation. (*Housing Act 1996, section 193*)
4. The law says councils must ensure all accommodation it arranges for homeless applicants is suitable for the needs of the applicant and members of his or her household. This duty applies equally to interim accommodation and accommodation provided under the main housing duty. (*Housing Act 1996, section 206*)
5. Accommodation is not suitable if it falls below certain minimum standards. The Council must have regard to the standards set in the Housing Act 2004. The Homelessness Code of Guidance recommends that any accommodation should, as a minimum, be free of Category One hazards assessed under the Housing Health and Safety Rating system. An adequate supply of drinking water is a relevant factor in the hazard assessment and scoring system. The Council should explicitly consider the condition of the building and the risk to the health and safety of the occupiers.
6. The Court of Appeal held that what is suitable is a matter for the Council; It can only be challenged where it is clearly inadequate; '*Suitability [is] to a Wednesbury minimum level of suitability in the nature, location and standard of condition of the accommodation, having regard to the circumstances of the applicant and his or her resident family, including the duration of the likely occupation of it*'. (*Codona v Mid-Bedfordshire District Council [2004] EWCA Civ 925 [2005] HLR 1, CA*)
7. A judgment issued by the Supreme Court has confirmed councils have a legal duty under section 11 Children Act 2004 to consider the need to safeguard and promote the welfare of a child when they decide whether accommodation is suitable. (*Nzolameso v City of Westminster [2015] UKSC 22*)

Review rights

8. Homeless applicants may request a review within 21 days of being notified of the decision on their homelessness application. They also have the right to request a review of the suitability of temporary accommodation provided after the Council has accepted the main housing duty. (*Housing Act 1996, section 202*)
9. Councils must complete the review within eight weeks of receiving the review request. This period can be extended but only if the applicant agrees in writing. Councils must notify the applicant in writing of the review decision. (*section 202(3) Housing Act 1996*)

How we considered this complaint

10. We produced this report after considering documents and photographs provided by Ms X and the Council. The investigator has spoken to Ms X.
11. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

What we found

Background

12. The Council owes Ms X the main housing duty as a homeless person in priority need. The Council accepted the duty after Ms X made a homelessness application in 2015.
13. Ms X and her family were placed in temporary accommodation by the Council. They had to leave that property in October 2016 because of a persistent mice infestation.
14. On 19 October 2016 Ms X, her partner and baby moved to a one bedroom flat on the ninth floor of a high-rise block in Haringey. The flat was temporary accommodation provided under the main housing duty.
15. Ms X paid £97 per week rent (including water rates) for the flat. She was not entitled to Housing Benefit because of her earnings.

Water supply problems in the block

16. The block was built about fifty years ago. It is a large block of flats with a shared plumbing system. The plumbing system has not been replaced since it was built. Since then, residents' demand for water has increased because, for example, most people now have washing machines.
17. Homes for Haringey manages the block. It is an Arm's Length Management Organisation which manages the Council's housing stock and temporary accommodation. The block is scheduled for demolition within the next 18 months to two years as part of a planned redevelopment of the area.
18. The Council has known since at least 2015 that some flats in the block are affected by problems with the water supply. Pending demolition, the Council investigated the water supply and tried to find solutions which are not prohibitively expensive in a block scheduled for demolition.
19. In December 2015, the Council installed new water pumps in the block at a cost of more than £60,000. However, these works failed to resolve the problem and

the Council continued to receive complaints from residents about the lack of cold water supply.

20. This is the second complaint we have received about the cold water supply in the block from a homeless family living in temporary accommodation. We upheld a previous complaint and found the complainant had suffered injustice due to fault by the Council. The Council accepted our findings and our recommendations for an apology and financial redress.

Ms X's complaint

21. Before Ms X and her family moved in, a surveyor inspected the flat on 14 September 2016 while it was empty. He drew up a schedule of repairs and works that needed to be done before the flat could be reoccupied. These included:
- removing rubbish, carpets and furniture left in the flat;
 - stripping polystyrene ceiling tiles and replastering the ceilings and walls in the hallway, kitchen and living room;
 - installing new kitchen units, a sink, drainer and worktop;
 - fitting new wall tiles in the kitchen;
 - a chemical clean of the toilet, bath and wash basin in the bathroom;
 - inspecting and testing the electrical installations;
 - putting in plumbing for a washing machine; and
 - laying a new floor screed and easing and adjusting the bedroom door.
22. We have not seen any evidence a gas safety check was carried out or the water supply and pressure was tested. The surveyor inspected the completed works on 7 October 2016.
23. Ms X collected the keys and viewed the flat on 13 October. She reported some outstanding works to Homes for Haringey including signs of damp and mould and a leak on the bedroom ceiling. A contractor visited on 25 October. He did not find any evidence of a leak in the bedroom but said he would arrange for a surveyor to inspect the room for damp and mould.
24. Ms X had also reported the gas central heating radiators were not working when she moved in on 19 October. The gas meter had been disconnected because the former occupier owed arrears. She says when a gas engineer attended to turn on the supply, water leaked onto the floor from the radiator pipework. The kitchen units had to be dismantled to allow access to some pipework. It was difficult to properly test the system because there was not enough water in the tank. Ms X says she was left with no heating for five days and Homes for Haringey did not provide alternative heating appliances.
25. On 31 October 2016 Ms X wrote to a manager in the team responsible for temporary accommodation and lettings to ask for a review of the suitability of the accommodation. The email was headed "section 202 accommodation review request". She explained her concerns about the condition of the property and the reasons why it was unsuitable for her family. She referred to relevant law and guidance and said the property was unsuitable for the following reasons:
- no space for her son's cot so he had to sleep on a mattress with his parents;

- general lack of space in the flat for her son to play and to store all their belongings;
 - damp and mould on the bedroom ceiling – they were not using the bedroom because her son was born prematurely and was more at risk from respiratory infections;
 - the property had not been properly checked to ensure it met relevant standards before she moved in; and
 - there was no heating or hot water in the flat.
26. On 1 November Ms X sent an email to two Councillors and the MP. She then raised concerns about the lack of cold water and heating in the flat. She said she could not cook and it was too cold to stay in the flat. She had been forced to stay temporarily with friends and relatives. She said the Council had failed to meet essential requirements to provide heating and water.
27. On 4 November Ms X's letter and complaint were passed to Officer A who worked in the temporary accommodation and lettings team at Homes for Haringey.
28. On 29 November an officer in the Customer Feedback team replied to Ms X's complaint at Stage One of the Council's complaints procedure. She said a surveyor would visit on 29 November to inspect the damp and mould in the bedroom. A separate appointment was booked for 12 December to inspect some holes in walls.
29. The Customer Feedback Officer also referred to a Mechanical Engineer's visit on 16 November. He had witnessed the lack of cold water supply in the kitchen. He knew this was not an isolated fault and other flats on the eighth and ninth floors were similarly affected. He was waiting for survey results from residents and a report from contractors before organising remedial works to boost supply from the water pump.
30. The letter said Officer A would separately consider Ms X's request for a review of the suitability of the accommodation and contact her.
31. Ms X says the surveyor did inspect the bedroom on 29 November. It was only then she was told the marks on the ceiling were smoke damage and not mould. Ms X then decorated the room and the family started to use it in December.
32. Ms X did not receive a suitability review decision. A decision should have been made no later than the final week of December 2016.
33. The Council says all review requests received after September 2016 should have been logged and passed to Officer B. He considered requests for reviews of homelessness decisions and the suitability of accommodation. The Council says Officer B was unaware of Ms X's review request. Ms X's letter remained with Officer A who did not respond or pass it on.
34. Ms X continued to chase up the outstanding repairs and the review decision. On 8 February 2017 she sent an email saying there had been no progress with the repairs. She still had no cold water in the kitchen and she could not use her washing machine. The low water pressure also affected the heating and hot water supply. She was spending £20 a week on bottled water and £15 on laundry costs because there was no cold water supply to fill the washing machine.
35. In the same email Ms X reported frequent lift breakdowns and anti-social behaviour in the block. When the lift was out of order, Ms X had to take the other lift to the eighth floor and then carry her baby and buggy up two flights of stairs to

the ninth floor. The Council's repair records show the lift broke down 15 times in the 10 months Ms X lived in the flat. Ms X says the lift often remained out of order for days or weeks at a time.

36. On 20 February an officer in the Feedback team apologised to Ms X for the failure to respond to her Stage Two complaint which had been registered in November. She said the manager was considering her suitability review request and she should get a decision within the next two weeks.
37. The Council put Ms X on the list for a transfer to alternative temporary accommodation on 6 March 2017.
38. Ms X did not get a review decision as promised in March. The Council says Officer A left his position and he did not put Ms X's review request on file.
39. On 16 May the Council offered to move Ms X to another flat in the same block. Ms X decided not to accept this offer because she knew other flats in the block experienced similar problems with the water supply.
40. On 13 June Officer B picked up the case. The Council says he upheld the review. But he did not send Ms X a decision in writing.
41. On 6 July another manager (Officer C) at Homes for Haringey wrote to Ms X. He accepted her flat was not suitable because it had no adequate water supply. He apologised for the Council's poor communication with her.
42. On 27 July Ms X attended a meeting with two managers from Homes for Haringey. After the meeting one of the managers wrote to acknowledge she had been left without drinking water for 10 months. He said bottled water should have been delivered to Ms X much sooner and he would now arrange for that to happen. He said the Council had failed to respond to her suitability review request. He told Ms X a private rented sector property had been found for her.
43. Although the manager said the Council would deliver bottled water, Ms X says that did not happen so she continued buying bottled water until she moved out of the flat. She told me there was no improvement in the cold-water supply in the 10 months she lived in the flat.
44. On 31 August Ms X moved to a two-bedroomed property managed by a registered social housing provider. It is private rented accommodation let on an assured shorthold tenancy. Ms X is satisfied with her new accommodation.

The Council's comments

45. The Council says it has changed its procedure for handling homelessness review requests since the events described in this statement. The relevant team now logs and monitors all review requests. They are then forwarded to an external consultant who is contracted to make the review decision on behalf of the Council.
46. Many of the issues in Ms X's complaint were about the suitability of the accommodation. These should have been addressed through the statutory review process rather than through the complaints procedure. The Customer Feedback team contacted the manager in February 2017, following further contact from Ms X, to ask him to complete the review. However, that did not happen.
47. The managers who met Ms X in July 2017 apologised for the Council's failings and its poor communication with her. They agreed to find suitable alternative accommodation for Ms X. Ms X refused the first offer in May 2017 but then moved to new accommodation in August.

Conclusions

48. Ms X and her family spent 10 months in unsuitable accommodation. There was no cold water in the kitchen for the entire 10 months: Ms X told me this was not an intermittent problem at times of heavy demand. She had to buy several six-litre bottles of water at a time to use for drinking and cooking. She could not use her washing machine and took laundry to the launderette or used her mother's washing machine. There was hot water in the bathroom so Ms X and her family could take baths.
49. The lack of a cold-water supply in the kitchen means the accommodation fell below minimum acceptable standards. It was a fault to place Ms X and her family in this accommodation particularly when the Council knew about the longstanding problems with the water supply.
50. The lack of water supply affected other flats. It was not unreasonable for Ms X to refuse the offer of a move to another flat in the same block in these circumstances. She believes the Council would not fund major repairs to fix the water supply problem because the block is scheduled for demolition.
51. After she moved in and discovered the defects, Ms X promptly requested a review of the suitability of the accommodation. The Council failed to respond. It should have replied by the last week in December 2016. It did not send her a decision in writing as the law requires. The Council's eventual acceptance that the property was unsuitable for Ms X and her family did not dispense with the legal requirement to issue a review decision in writing. These were serious faults.
52. Ms X used the Council's complaint procedure to try to get matters resolved. The Council says it overlooked the Stage Two complaint. That too was a fault.
53. Ms X kept pressing for a response. She raised her concerns with local Councillors and her MP. However, it was not until July 2017 that the Council seems to have grasped the full seriousness of the situation. Even then, it did not follow through on its promise to start delivering supplies of bottled water.
54. Ms X believed the black marks on the bedroom ceiling were mould growth so she stopped using this room. Her baby was born prematurely and is susceptible to respiratory infections. Understandably she was not willing to let him sleep in a room which she believed had mould spores on the ceiling. She did not find out until late November 2016 the marks were smoke damage resulting from a fire in the flat. If she had been told this sooner, she would have decorated the room and started to use it. Instead she, her partner and baby shared a mattress in the living room until December.
55. Ms X and her family were left in unacceptable living conditions for far too long. She was put to the inconvenience and expense of buying bottled water and taking her laundry elsewhere. This caused Ms X and her family real hardship. The injustice was exceptionally severe and prolonged and it affected three people, one of whom was a vulnerable baby.

Recommendations

56. The Council has agreed to take the following action within three months of the date of this report:
 - send Ms X a letter of apology (from the Council's Head of Service);
 - pay Ms X £300 a month for 10 months from October 2016 to August 2017;

- pay an additional £20 a week to reimburse her for the bottled water she bought from 19 October 2016 until 31 August 2017;
- pay an additional £15 a week for the extra expense of using laundry facilities outside the flat for the same period;
- tell us what steps it has taken to ensure that any other homeless families placed in the block do not experience similar problems to Ms X;
- put robust systems in place to log and track the progress of review requests to ensure compliance with the eight-week timescale;
- remind officers of the requirement to issue a written decision on every review request.

The Council should also consider the report at its full Council or Cabinet and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

Decision

57. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Ms X. The Council has agreed to take the action identified in paragraph 56 to remedy that injustice.

Report for: Corporate Committee, 22nd March 2018

Title: Local Government Ombudsman finding

Report authorised by : Dan Hawthorn, Director of Housing and Growth

Lead Officer: Chris Liffen, Managing Director, Homes for Haringey

Ward(s) affected: Northumberland Park

**Report for Key/
Non Key Decision:** Non-key

1. Describe the issue under consideration

- 1.1 This report has been compiled following notification of the outcome of a complaint made to the Local Government & Social Care Ombudsman (the Ombudsman) by Ms X, a former homeless applicant placed into temporary accommodation by Homes for Haringey in discharge of the Council's statutory duties owed to her.
- 1.2 The complaint centred on the suitability of the temporary accommodation provided, which had a lack of cold water supply to the kitchen, as well as other defects.
- 1.3 The Ombudsman found fault on the part of the Council, which had caused injustice to Ms X. He also made a number of Recommendations which are included within his report (appendix one) as well as this report.
- 1.4 The purpose of this report is to bring the matter to the Council's attention, and to seek authority to make compensatory payments to Ms X in accordance with three of the Ombudsman's Recommendations.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

It is recommended that Corporate Committee:

- 3.1 Notes the outcome of the Ombudsman's investigation contained in his report dated 31st January 2018.

- 3.2 Accepts the Ombudsman's Recommendations relating to the need to make compensatory payments to Ms X.
- 3.3. Authorises officers to make compensatory payments to Ms X in accordance with the Recommendations made by the Ombudsman in his report.
- 3.4. Notes the subsequent actions undertaken by Homes for Haringey to rectify the situation, and prevent a recurrence.

4. Reasons for decision

In view of the fact that officers and Homes for Haringey (HfH) accept the findings of the Ombudsman, Corporate Committee now has the power to determine whether compensatory payments should be made to Ms X in recognition of the injustice she has sustained as a result of the Council's – acting via Homes for Haringey - actions.

5. Alternative options considered

Council Officers and HfH have accepted the outcome of the Ombudsman investigation, so no other options have been considered.

6. Background information

- 6.1 Ms X made an application to the Council as being homeless in 2015. Her application was accepted by HfH acting for and on behalf of the Council under the terms of the Management Agreement between the two organisations, and she was placed into temporary accommodation (TA). Subsequently, Ms X was transferred to alternative TA on 19 October 2016, a property on an estate used as TA pending regeneration of the area.
- 6.2 The TA in question, along with some other similar tower blocks on the estate, has an old plumbing system not replaced since it was built, and not responsive to increased demand for water. HfH has been aware of problems affecting the block, in particular the higher floors. Whilst solutions have been sought, none have remedied the problem, including the installation of new water pumps in December 2015.
- 6.3 Void repairs were carried out on the property prior to Ms X moving in. When she viewed and then moved into the property, Ms X reported outstanding repair concerns. It appears as though when the heating system was tested there was insufficient water in the tank, leaving Ms X without heating for five days.
- 6.4 Ms X requested a review of the suitability of the accommodation, under section 202 of the 1996 Housing Act, Part VII (as amended), which must be completed within 56 days. The review focused on the size of the accommodation and repair issues including possible mould in the bedroom and a lack of heating and hot water. The review was submitted on 31 October 2016.
- 6.5 On 1 November 2016, Ms X complained to ward councillors about the lack of water and heating and a response to her complaint arranged for surveyors to visit her flat. It also confirmed that a Mechanical Engineer had visited on 16 November and confirmed the lack of a cold water supply to the kitchen. He was

waiting for a contractor report and outcomes from resident surveys prior to ordering any works.

- 6.6 In the response to her complaint, Ms X was advised that her review would be considered separately. She did not receive a response to this request.
- 6.7 Ms X wrote on 8 February 2017 advising of the lack of progress with the repairs and the lack of cold water; the low pressure of which affected the heating and hot water supply. She also complained of problems with lift breakdowns (records confirm 15 failures in 10 months) and of anti-social behaviour.
- 6.8 On 20 February, Ms X was written to by the Feedback team with an apology for the failure to respond to her stage 2 complaint and that she should receive a response to her suitability review within 2 weeks. This did not materialise and the officer due to respond to it had since left his position.
- 6.9 In the meantime, on 6 March 2017, Ms X was put on the list to be transferred to alternative TA. She was offered another property in the same block on 16 May but did not take up the offer due to her concerns about the water supply. The refusal was later accepted by HfH as a reasonable refusal and an alternative offer of accommodation was made.
- 6.10 On 13 June, another officer considered and upheld Ms X's review but this decision does not appear to have been conveyed to Ms X.
- 6.11 On 6 July, the Head of Service (Occupancy Management) wrote to Ms X, accepting that the flat was not suitable as there was no adequate water supply and apologised for the hitherto poor communication.
- 6.12 Ms X met with the Head of Service on 27 July 2017 and he confirmed the outcome of the meeting to her. He acknowledged the lack of water supply, stating that she should be provided with bottled water and again confirmed that the lack of a response to her review and communication with her had been poor. He agreed that bottled water would be delivered. He further advised that a new property, in the private rented sector had been identified for her. Ms X moved into the property on 31 August 2017.
- 6.13 HfH has since changed the way reviews are dealt with; with all review requests now being logged and monitored centrally and sent to an external consultant to make the decision.
- 6.14 The report from the Ombudsman concluded that Ms X spent 10 months in unsuitable accommodation; without an adequate supply of cold water. She used bottled water and was unable to use her washing machine.
- 6.15 This lack of cold water meant the accommodation fell below acceptable standards and she should not have been placed in the accommodation.

- 6.16 There was a failure to respond to Ms X's request for a review of the suitability of the accommodation. The later acceptance that the accommodation was unsuitable does not negate the requirement to issue a review decision.
- 6.17 The Stage 2 Complaint was not responded to. The Ombudsman concluded that her complaint was not fully considered until July 2017 and even then she did not receive the bottled water as had been agreed.
- 6.18 Ms X believed the black marks to the bedroom ceiling to have been mould and it was confirmed only at the end of November that the marks were a result of smoke damage and if she had known this she would have been able to have used the room earlier for her and her baby.
- 6.19 In conclusion, the Ombudsman found that Ms X and her family were left in unacceptable living conditions for far too long. She was put to the inconvenience and expense of buying bottled water and taking her laundry elsewhere, causing the family real hardship. The report commented that the injustice was exceptionally severe and prolonged and made a number of recommendations, which the Authority accepted it would action within 3 months of the date of the report. These were to:
- Send Ms X a letter of apology (from the Council's Head of Service)
 - Pay Ms X £300 a month from October 2016 to August 2017
 - Pay an additional £20 per week to reimburse her for bottled water from 19/10/16 to 31/8/17
 - Pay an additional £15 per week for using laundry facilities for the same period
 - Advise of the steps taken to ensure that other homeless households placed in the block do not experience similar problems
 - Put robust systems in place to log and track the progress of review requests to ensure compliance with the eight-week timescale
 - Remind officers of the requirement to issue a written decision on every review request.

These recommendations have been agreed by both officers, and HfH.

- 6.20 In terms of the Ombudsman's specific findings and recommendations which fall within the terms of reference for the Corporate Committee, the following actions will be undertaken by HfH subject to the Committee's authorisation:
- A payment of £3,000 will be issued for the 10 months Ms X resided in the property.
 - A further £900 (45 weeks of £20) will be paid to Ms X to reimburse her for the bottled water she purchased.
 - A further £675 (45 weeks of £15) will be paid to Ms X to reimburse her for using laundry facilities outside the flat.

6.21 The Corporate Committee is also asked to note that officers intend to take a further report to the Cabinet Member for Housing Regeneration and Planning. That step is required in order to comply with the requirement made by the Ombudsman to provide written evidence of the fact that his report has been considered by “full Council or Cabinet”. In addition, the step is also designed in order to obtain agreement on the action to be taken in relation to the non compensatory parts of the Ombudsman’s Recommendations as follows:

- HfH has apologised in emails to Ms X of 6 July and 27 July 2017 as well as verbally on 27 July 2017. The apologies included acknowledgements of poor service in not carrying out the review Ms X submitted in October 2016. Even though HfH was attempting to source alternative accommodation for Ms X, it still failed to communicate with her sufficiently and she was also apologised to for this. HfH further acknowledged that it did not supply her with drinking water. A further apology following the report will be issued by the Council’s Head of Service.
- HfH has taken the decision not to let properties where there are similar issues with the cold water supply. As well as the property in question, there are another five properties in the block which are void due to the water issue. A further two flats are void in another block for the same reasons.
- HfH has procured a new remote monitoring system for all water tanks, which will provide early warning of issues around water pressure and low water levels in tanks. These are due for installation within the next two months and will ensure that problems are identified and rectified before they impact on residents.
- HfH has created a new senior role within its Mechanical and Electrical Service with responsibility for all water maintenance contracts. This will improve the robustness with which it manages its external contracts. The role will be filled in the next two months.
- HfH has introduced a new major incidents process where a significant loss of service is highlighted to the Executive team and tracked through to completion, ensuring visibility of serious cases from the point in time they emerge to their resolution.
- At the time Ms X’s review was submitted, the process was that reviews were logged to the relevant service manager. This clearly failed to record all reviews received. HfH has since changed this process. All requests for reviews are now logged centrally within Housing Demand and are sent to an independent Reviewer for a decision. The requests are monitored and the Reviewer contacted should there be concerns over whether the review may take longer than anticipated. Prior to a review of the suitability of accommodation being sent to the independent Reviewer, the service considers whether the review request is reasonable. If it is considered to be reasonable then this would be acknowledged and an alternative property sought.
- Customers are written to, acknowledging that their review has been received.
- HfH has introduced a new performance indicator to ensure that suitability reviews are tracked and monitored by the Executive Management team through monthly performance meetings.

7. Lessons learned

- 7.1 HfH is aware that its failure to address the issues at an early stage led to distress for Ms X over the 10 months of her stay at the property and reputational damage for both Homes for Haringey and Haringey Council.
- 7.2 Following the issues at the property, HfH has taken the decision not to let other properties which become vacant at the block until a solution is found and implemented, which ensures that the properties have cold running water and adequate water pressure to run a washing machine.
- 7.3 The Ombudsman's conclusions and recommendations have been fully accepted, and HfH processes have been revised accordingly to ensure that there can be no repetition of the failures to carry out a statutory review.
- 7.4 HfH has implemented a range of changes to its processes and procedures, detailed in the actions taken, to ensure this scenario does not reoccur.

8. Contribution to strategic outcomes

To create homes and communities where people choose to live and are able to thrive (**Priority 5** - Sustainable Housing Growth and Employment)

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 9.1 The compensation payments as outlined in paragraph 6.20 amounting to £4,575 will be funded from the Customer Relations (X40130) 2017/18 revenue budget

Procurement

- 9.2 Not applicable

Legal

- 9.3 The Assistant Director, Corporate Governance has been consulted in the preparation of this report, and makes the following comments.
- 9.4 The Corporate Committee has within its constitutionally delegated terms of reference, the power to "[authorise] the making of payments or the provision of other benefits in cases of maladministration" – see Part Three, Section B of the Constitution. Accordingly, the Corporate Committee has the authority to approve Recommendation 3.3 of the report.

Equality

- 9.5 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share those protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not.
- 9.6 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 9.7 The following groups are more likely to be living in temporary accommodation:
- Black households who, statistically, make up the vast majority of households in temporary accommodation
 - Lone parent households, most commonly headed by women
 - Women, who statistically make up the vast majority of individuals who approach the homelessness service for support
 - Young people who identify as LGBTQ
 - Those with mental health needs
- 9.8 We also know that those living in housing managed by Homes for Haringey are more likely to be:
- Women
 - Black
 - Older (65+)
- 9.9 The lessons learned from this issue mean that HfH will implement new policies and procedures to make sure that problems with housing maintenance are resolved promptly, and that complaints are dealt with effectively. This will help ensure that residents living in housing managed and maintained by HfH, whether temporary accommodation or general needs council housing, are not receiving unsatisfactory housing maintenance, repairs and customer service, and ensures that there is not a negative impact on the groups listed above. This is particularly important for those living in temporary accommodation who are particularly likely to be more vulnerable than most.
- 10. Use of Appendices**
Copy of Ombudsman report (appendix one)
- 11. Local Government (Access to Information) Act 1985**
Not applicable

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