

Housing Services – Response to Ombudsman finding

Housing Services accepts the Ombudsman's findings that the property offered to Mr Green and his family was too small as set out in legislative requirements for bedroom sizes and as such Mr Green and his family were statutorily overcrowded. This occurred as a result of our property record in relation to the size of the second bedroom been incorrect.

Background to the case

Mr Green and his family approached the council in March 2010 presenting as homeless from out of area. Mr Green and his family were placed in temporary accommodation whilst the council carried out a homeless investigation, the outcome of which was that Mr Green was homeless, in priority need, not intentionally homeless but did not have a local connection to York. However following investigation it was deemed that it was not safe for him to return to where he did have a local connection, the council therefore accepted a full duty under the homeless legislation to secure suitable accommodation.

Council policy for allocation of homes where someone is deemed homeless is to make one reasonable offer of accommodation; if that offer is refused by the applicant then the council discharge its duty under the legislation. Mr Green would have had this explained to him.

Whilst Mr Green was in temporary accommodation an offer of a 2 bedroom house was made to Mr Green by letter. This letter set out the offer and that if Mr Green felt that the offer was not a reasonable one that he could request a review of that decision. Mr Green states that he did not receive this letter and was therefore unaware of his right to request a review. However, Mr Green signed the offer form on the 27th May 2010 which clearly stated that he understood that if he believed that the offer that was made to him was unsuitable he had the right to a review regardless of whether he moved in or not. The form also set out that what would happen if a review was requested. The form sets out potential reasons for refusal, one of which is size.

Whilst the ombudsman has found that the size of the second bedroom was not sufficient for two children, and we agree this point, we do not agree with the ombudsman's view that Mr Green was unaware of his

right to request a review of the suitability of the offer of accommodation. However, as already accepted, the offer was not suitable in that the second bedroom only measured 7.7m² and as such did not meet the minimum requirement of 8.4m².

Agreed Remedy

The council placed Mr Green in Gold Band and back dated this application to the date of his original application. Mr Green subsequently bid on a 3 bedroom house and was re-housed whilst discussions with the Ombudsman were ongoing.

The council has made arrangements to pay the £2k compensation and a letter of apology has been sent to Mr Green from the Assistant Director.

No previous or subsequent cases of this nature have come to light, however to ensure no future cases arise, procedures have been put in place where all bedroom sizes are measured and checked against the data held prior to the offer of any accommodation.

Steve Waddington

Assistant Director – Housing & Community Safety.