

**CASE NOT SUSTAINED
RECOMMENDATION MADE**

CS/490

**COMPLAINT AGAINST THE HOUSING DEPARTMENT FOR REFUSING TO
CATEGORISE THE COMPLAINANT AS REQUIRING TO BE HOUSED ON
SOCIAL GROUNDS**

The Complainant's eldest son was homeless and she complained that the Housing Department (the 'Department') refused to categorise him in the list of housing applicants requiring accommodation on an urgent basis ('the Social A list'). In a very emotional letter to the Department the Complainant explained the background to her son's homelessness, describing in detail all of his problems and those that he had caused his family. She begged the Department to give him a home and thus help him start rebuilding his life.

The Housing Allocation Committee ('HAC') reconsidered her case and replied as follows:

"The Housing Allocation Committee discussed your case at the meeting held on 17 September 2003.

As a result of this, 500 discretionary points have been awarded to your application.

You are presently on 19th position on the IRKB list and an offer of accommodation will be made once you reach the top of the waiting list."

In a series of letters to the Housing Department, the Ombudsman tried to convey to them that this type of letter was unacceptable, insensitive and unprofessional. When people poured their heart into a letter, said the Ombudsman, if the committee decided not to make a recommendation the very least that could be done was to give the applicant reasons for the decision. The Housing Department accepted the Ombudsman's words and initially it informed him that the matter was currently under review with a view to changing the format of replies in all correspondence emanating from the Housing Allocation Unit, the aim being to provide tenants with more information. When the Ombudsman expressed his disapproval at the fact that the matter was still under review the Department responded that instructions would be given to the Chairman of the relevant committee informing him of the Department's intention to provide explanations as to the reasons for not recommending a case for priority allocation. The Ombudsman was further informed that the Housing Allocation Officer had been instructed to provide the Complainant with an explanation regarding her case.

On 10 November 2003 the Ombudsman wrote to the Department informing them that the Complainant had yet to receive an explanation and asking why the committee had not made a recommendation in her case.

As a result of this letter the Complainant's case was reviewed by the Social Advisory Committee and the Ombudsman was assured that an explanation would be given to the Complainant in the event that her son's case was not recommended.

The Committee decided once again not to recommend the son for categorisation in the Social A list and as promised, the Complainant was sent an explanatory letter. The letter is hereby reproduced in full:

"Dear Mr -----

The Housing Advisory Committee discussed your case at the meeting held on 18 November 2003.

The committee's decision is that you should follow the normal procedure and await allocation of a Government flat on points.

Although the committee recognise the situation you are currently in, this is taken into account in the awarding of points on your application.

You are presently on the 16th position on the IRKB list."

After considering all of the facts before him the Ombudsman had to decide whether he could fault the manner in which the relevant housing committee had arrived at the decision not to categorise the Complainant's son in the Social A list.

On the one hand, the son could not live at home, the reasons for this were set out very eloquently and emotionally by the Complainant in her letter of August 2003 to HAC. On the other hand the housing committees considered the applicant's situation and awarded him 500 discretionary points. They left him in the normal waiting list and then sent him a standard letter explaining that his situation had been taken into account in the number of points awarded to him.

The point here was not whether the Ombudsman agreed with committee's decision, the point was did the committee consider all of the son's material circumstances before coming to a decision? The Ombudsman had no evidence to suggest that it did not. On the contrary, after considering his circumstances the committee awarded him 500 discretionary points. There did not appear to be maladministration as far as the decision making process was concerned.

The Ombudsman was of the opinion that no maladministration had been committed however, the Complainant and her son had been left in an intolerable position. At the time of writing the son was in Bruce's Farm but he needed a home to return to when he left Bruce's Farm. His parent's house was obviously not an option and being 19th on the housing waiting list he was assured of a very long wait until he would be offered a flat.

After considering the trials and tribulations of all of this Complainant and many others like her the Ombudsman recommended that the Department should seriously consider

converting one of its older properties into temporary accommodation for homeless people. The criteria for admission should be strictly defined and those accepted as being legitimately homeless should be entitled to stay there until a more permanent solution was found to their housing problem. With this recommendation the Ombudsman closed the report.