

Complaints about your housing application

This fact sheet is aimed primarily at people who have applied to the council for housing and have problems with the way the council is dealing with their application and may be considering making a complaint to the Ombudsman.

I need to move urgently but the council has not yet rehoused me. Can the Ombudsman help me?

- Yes, in some circumstances. But a complaint to the Ombudsman is not an appeal and we cannot question decisions taken by the council if they were taken properly and fairly. It may be the case that, although you need to move urgently, there are other applicants who have an even greater need.
- The Ombudsman can consider your complaint if you think that the council has been unfair or made a mistake in dealing with your application and you think that this is the reason that you have not been rehoused or it has caused you other problems.
- We will not uphold your complaint if it turns out that the council has followed proper procedures, relevant legislation and guidance and taken account of all the information you provided, even if you think that the council should have given more priority to your application.
- We cannot deal with complaints about housing applications to registered social landlords such as housing associations unless the council has contracted out its housing allocation responsibilities to a housing association. Complaints about housing associations should be made to the Housing Ombudsman Service (www.ihos.org.uk).

How do I complain?

- You should normally complain to the council first. Councils often have more than one stage in their complaints procedure and you will usually have to complete all stages before we will look at your complaint.
- Then, if you are unhappy with the outcome, or the council is taking too long to look into the matter – we think 12 weeks is reasonable – you can complain to us.
- But where you are particularly at risk, for example if you or a member of your family has acute medical needs, we might look at the complaint straightaway even if you have not been through the council's complaints procedure. You should explain this when you contact us.
- You should normally make your complaint to us within 12 months of realising that the council has done something wrong.
- To complain to the Ombudsman phone our Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays). You will be able to discuss your complaint with one of our advisers. You can text us on 0762 480 4299.
- You can complete an online complaint form at www.lgo.org.uk/making-a-complaint, or you can email us at advice@lgo.org.uk.

If you can consider my complaint what will the Ombudsman look for?

We consider whether the council has done something wrong in the way it went about dealing with your application which has caused you problems. By law the council has to give reasonable preference in its allocation scheme to homeless people, people living in insanitary, overcrowded or other kinds of unsuitable housing, people who need to move on welfare or medical grounds or people who need to move to another area to avoid hardship to themselves or others. Some of the issues we can look at are if the council:

- is using an allocation scheme that is not clear or fair;
- failed to apply the allocation scheme properly or fairly;

- failed to follow the Government's code of guidance on housing allocation;
- did not take relevant information into account in reaching its decision, or took irrelevant information into account;
- failed to give you information you should have (for example, about the priority awarded to your application or how to challenge the priority given to it); or
- delayed in dealing with your application, changes in your situation, or with an appeal from you about the priority given to your application.

What happens if the Ombudsman finds that the council was at fault?

- The Ombudsman cannot usually overturn a council's decision on the priority given to your application or its decision that you are ineligible for housing allocation.
- But if we find that something has gone wrong in the way your application was dealt with that might have affected the decision, we may ask the council to carry out a review and correct its mistakes.
- In certain circumstances, we may ask the council to offer you a house or flat. This only happens occasionally where, for example, it is clear that the allocation scheme has been applied wrongly and you have been denied a housing offer as a result.
- We may ask the council to pay you compensation. Whether we do this and the amount we suggest will depend on how you have been affected by what has gone wrong, for example, whether you have lived in unsatisfactory housing for longer than you should have done.
- We may also recommend that the council reviews its allocation scheme or procedures so that the problems you experienced don't happen to other applicants.

Examples of some complaints we have considered

Mr W asked the council for help with his housing. He had nowhere to live and was staying with relatives and friends. He complained that the council delayed offering him accommodation for 21 months and failed to award the correct priority to his application. The council made a number of decisions about Mr W's application without putting those decisions in writing or telling him how to challenge them. And it made a number of errors in assessing the priority to be given to his application.

We asked the council to pay £1,000 compensation to Mr W and to review the way it dealt with its housing allocation responsibilities.

Mr P complained that the council's allocation scheme did not give sufficient priority to people whose existing accommodation was unsuitable for them because of a disability. Social housing in the council's area was provided by housing associations and Mr P complained that he had not been nominated for suitable properties and continued to live in unsatisfactory accommodation. He also alleged that the council's scheme did not comply with the law. We concluded that the council's allocation scheme gave undue prominence to secondary criteria rather than statutory criteria and that Mr and Mrs P, who both had physical disabilities, had to wait for a suitable offer for three months longer than they should have done. We asked the council to pay £200 compensation to Mr P and to review its allocation scheme to give suitable weight to the required criteria.

Other sources of information

- See the housing section on Department of Communities and Local Government website at www.communities.gov.uk/housing/
- Further advice may be available from Shelter – www.shelter.org.uk

Our fact sheets give some general information about the most common type of complaints we receive but they cannot cover every situation. If you are not sure whether we can look into your complaint, please phone 0300 061 0614.

The Local Government Ombudsmen provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result the Ombudsmen aim to get it put right by recommending a suitable remedy.