

Report by the Local Government Ombudsman

**Investigation into a complaint against
London Borough of Brent (ref: 14 019 234) and
London Borough of Ealing (ref: 15 016 582)**

8 August 2016

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.

Investigation into complaint number 14 019 234 against London Borough of Brent and complaint number 15 016 582 against London Borough of Ealing

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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
Ms Y	her representative
Officer A	(Brent)
Officer B	(Brent)
Officer C	(Brent)
Officer D	(Ealing)
Officer E	(Brent)

Report summary

Housing - allocations

Ms X complained about Brent Council's failure to provide timely and sensitive assistance when she needed to be rehoused due to domestic violence.

She also complained about Ealing Council's failure to make a timely decision when Brent Council referred her under a reciprocal housing scheme for victims of domestic violence. The Council took eleven weeks to make a decision which should have been made within five days. Ms X also complains about the Council's decision to reject the referral and its failure to communicate with her and her representative.

A reciprocal rehousing agreement intended for rehousing victims of domestic violence did not work effectively. Ms X suffered avoidable uncertainty and distress at a very difficult time in her life due to both Councils' failings.

Finding

Fault found causing injustice and recommendations made.

Recommendations

Within three months of the date of this report, **Brent Council** should:

- pay Ms X £750 for the distress and anxiety caused by its delays and insensitive handling of her housing needs;
- pay £250 to Ms X's representative who has supported her since June 2014 and helped her pursue the complaint with the Council;
- arrange for a senior manager to write directly to Ms X to apologise for the way the Council treated her;
- provide refresher training for front-line staff in the Housing Options service about the domestic violence procedure and joint working with Brent Housing Partnership (BHP) when the victim is a Council tenant; and
- provide evidence that it has reviewed the liaison and joint working arrangements between BHP and Housing Options and addressed any shortcomings.

Within three months of the date of this report, **Ealing Council** should:

- pay Ms X £600 for the distress and anxiety caused by its delay in making a decision on the referral and its failure to communicate with her and her representative;
- arrange for a senior manager to apologise in writing to Ms X for the poor handling of her case;

- arrange for a designated officer to act as a central contact point to log and monitor the progress of all referrals made under the reciprocal scheme and report back to the Head of Service when cases have not been decided within the five day timescale;
- review with its partners in the West London Housing Partnership and the scheme co-ordinator the protocol for the reciprocal scheme to make it clear that the applicant must be in priority need ; and
- report the outcome of that review to us.

We are pleased to note that both councils accepted our findings and our recommendations for a remedy. Although there was no evidence of systemic faults, we decided it was in the wider public interest to publish this report to highlight the injustice that can be caused to a vulnerable person when partnership arrangements do not work effectively.

Both councils should confirm they have taken the agreed action within three months of the date of this report.

Introduction

1. Ms X is a Brent Council tenant. Brent Housing Partnership (BHP) provides the housing management service on behalf of the Council.
2. Ms X has experienced domestic violence from her former partner for some years. In August 2014 she approached Brent Council to ask for assistance to move out of the borough for her own safety.
3. Ms X has complained to us about action taken by Brent Council and Ealing Council. She complains that Brent Council failed to provide adequate, timely and sensitive support when she asked to be rehoused because of domestic violence.
4. Ms X complains that Ealing Council delayed in making a decision on a referral Brent Council made under a reciprocal scheme for housing victims of domestic violence in other West London boroughs. She also complains that Ealing Council did not explain its reasons for rejecting the referral and it failed to communicate with her and her representative between November 2014 and February 2015.

Legal and administrative background

5. The Ombudsman investigates 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)*)

Brent’s Housing Needs service – guidance on cases involving domestic violence

6. Brent Council’s Housing Needs service has a domestic violence procedure to provide guidance to front-line staff who handle cases involving domestic violence. It puts emphasis on the need for officers to take a victim-centred approach and offer comprehensive and accurate advice to all victims. The safety of the applicant should be paramount. It says officers should work closely and effectively with landlords and other agencies to provide a comprehensive service to victims.
7. There are several service commitments. All victims must be interviewed in a private room on the day they approach the service. A domestic violence form must be completed and placed in the case records. The interviewing officer should ask the victim if incidents have been reported to the police or other agencies and take details. Officers are expected to explain all the available housing options to the victim and keep him or her informed of action taken and decisions made. If the victim is a Council tenant, the officer should ask for details of the housing officer who manages the property. It also says officers should discuss the West London reciprocal scheme with eligible tenants. If the victim has nowhere safe to stay, the officer should discuss the need for temporary accommodation with the duty manager.

Homelessness duties

8. A person is deemed to be homeless if it is likely that continued occupation of a property will lead to domestic or other violence against him or her. Violence includes threats of violence which are likely to be carried out. [**Housing Act 1996, section 177(1)**]. A homeless person must be in priority need to be owed the main housing duty under Part 7 Housing Act 1996. This means the Council must secure accommodation for that person.
9. A person who is vulnerable as a result of ceasing to occupy accommodation because of violence or threats of violence is in priority need. (**The Homelessness (Priority Need for Accommodation) (England) Order 2002**.) This provision was intended to help people without children who had been subject to domestic or other violence. To qualify under this category, the applicant must have actually left the accommodation because of violence or threatened violence.
10. A person who is vulnerable as a result of old age, mental illness, a learning or physical disability, or some other special reason, is also in priority need.

The West London Domestic Violence Reciprocal Scheme

11. Seven borough councils, including Brent and Ealing, are members of the West London Housing Partnership. The seven boroughs have adopted a protocol, known as the West London Domestic Violence Reciprocal Scheme, to prevent social housing tenants who have experienced domestic violence from losing security of tenure and having to make homelessness applications and move to temporary accommodation. The boroughs approved the current version of the reciprocal scheme agreement in December 2013.
12. A scheme co-ordinator maintains a rota to make sure referrals are fairly distributed between the seven boroughs. A referral must be made to the next borough on the rota and it is not possible to make simultaneous referrals to more than one borough.
13. Where the victim is a council tenant, an officer in the home borough assesses the risk to the tenant as if they were considering a homelessness application. An officer will decide if there is reason to believe the applicant may be homeless because of the risk of domestic violence and needs to move out of the borough. In these circumstances the officer will discuss with the applicant which other boroughs in the scheme are safe. The officer should then tell the applicant about the option of making a homelessness application or being referred to the reciprocal scheme. If the applicant opts for the reciprocal scheme, the home council contacts the scheme co-ordinator to check the next safe borough on the rota. The home borough then sends a referral form, with any supporting or background evidence, to a designated contact officer in the next safe borough on the rota. The applicant cannot choose the borough.
14. Within five days the receiving borough must decide whether to accept or reject the referral. If it does not accept the referral, it must give reasons. All reciprocal referrals must be agreed by the home borough and the receiving borough. The reciprocal scheme agreement says there is limited capacity to refuse reasonable requests for referrals because all seven boroughs have signed up to the protocol. It says where the home

borough is satisfied the applicant is homeless due to domestic violence, it is expected reciprocals will be agreed unless the applicant needs a property with four or more bedrooms in keeping with the West London Housing Partnership.

15. The scheme agreement, and the flowchart showing the stages in the referral procedure, do not refer to an assessment of the applicant's priority need. But the scheme co-ordinator confirmed all the participating boroughs understood and agreed that the assessment would be similar to a homelessness assessment carried out under Part 7 of the Housing Act 1996. So this includes an assessment about whether the applicant is in priority need. The agreement says any disputes between the home and receiving boroughs should be settled by the service manager or the scheme co-ordinator.
16. When a reciprocal is agreed, the receiving borough places the tenant in the highest priority - Band A or equivalent - on the choice-based lettings scheme for three months. It makes a direct offer of accommodation as soon as possible and within three months. The tenant surrenders the tenancy in the home borough on accepting a suitable offer of accommodation from the receiving borough.

How we considered this complaint

17. This report has been produced following the examination of relevant files and documents provided by both councils. We have discussed the complaints with Ms X's representative.
18. The complainant, her representative and both Councils were given a confidential draft of this report and invited to comment. The co-ordinator of the West London Domestic Violence Reciprocals Scheme was also invited to comment on the draft report. The comments received were taken into account before the report was finalised.

Investigation

19. Ms X is a single woman with no dependent children. She is a Brent Council tenant. Ms X has been subjected to abuse, threats and violence by her ex-partner for some years. Since she ended the relationship in 2014, he has stalked, harassed and threatened her. His last known address was in Brent and he has several friends and associates who live in the area.
20. Ms X is being treated for stress and depression and has a long-standing condition which affects her physical health. Ms Y says she suffers from Post Traumatic Stress Disorder.
21. In June 2014 Ms X approached a Women's Centre for help with the longstanding abuse and violence. A volunteer at the Centre, Ms Y, tried unsuccessfully to find Ms X a place in a refuge.
22. In early July 2014 Ms Y wrote a letter of support for Ms X which gave a detailed account of the history of abuse and violence. She said Ms X's ex-partner had made several threats to harm her, her elderly father and her pet dog. He had threatened to set fire to her home, sent threatening text messages and verbally abused and physically assaulted her. She had reported several incidents to the police during 2013 and 2014.

23. On 7 August 2014 Officer A, a housing adviser in Brent Council's Housing Options Service, interviewed Ms X. Ms X showed the officer various documents including medical evidence, Ms Y's letter and a victim care card issued by the police. She also provided a rent account statement and Council Tax as proof of her address.
24. Ms X says Officer A interviewed her in the public area of the office and did not offer to see her in a private room. Officer A did not ask Ms X to complete a fear of violence form. He did not explain the full range of available housing options. Ms Y says Officer A asked Ms X if she had photographs of her injuries.
25. Officer A no longer works for the Council. His notes of the 7 August interview say Ms X's ex-partner had threatened to kill her about two weeks before the interview. He noted that Ms X's ex-partner constantly contacted her. He had visited her home and banged on the door that morning and she had called out the police. He noted the name of the investigating police officer and the crime reference number. He did not complete the rest of the form to summarise the advice he gave Ms X or the agreed action plan. Ms X says Officer A told her she would have to surrender her tenancy. This is not mentioned in Officer A's record of the interview.
26. Officer A spoke to a police officer later the same day who said Ms X would probably be classified as a "medium risk". According to his notes Ms X decided to return to her property while the Housing Options service investigated her case. She did not ask for emergency accommodation. The case notes do not record whether Officer A asked Ms X for photographic evidence. According to his notes Ms X had refused an offer of emergency accommodation made by the police because she could not take her pet dog there. Ms Y says that is wrong. She says she refused the offer of a place in the refuge because she provides daily care for her elderly parents and needs to live near them.
27. On 8 August Officer A called Brent Housing Partnership to ask about a management transfer for Ms X but he could not get through to anyone. He also tried to speak to the police detective who was investigating the case to ask if a risk assessment had been completed but the detective was not on duty.
28. Ms X says Officer A told her he would contact her the day after the interview but she did not hear from him again. Officer A left the Council's employment shortly after his interview with Ms X and the case was not reassigned.
29. Ms X and her representative contacted Brent Housing Needs service to chase progress. On 22 August a Team Leader asked another Housing Options officer, Officer B, to take over the case. He sent Ms X a fear of violence form to complete.
30. On 20 August the police referred Ms X to an independent agency that does crisis intervention work and supports and advises victims of domestic violence. The agency did a risk assessment and decided to refer Ms X's case to Brent Multi Agency Risk Assessment Conference (MARAC).
31. On 27 August Ms X returned the fear of violence form to the Council. She clearly stated she could not be rehoused in Brent because her ex-partner had contacts and links

throughout the borough. She said her ex-partner continued to threaten her and had managed to evade the police who were trying to arrest him. She said he watched her flat and had threatened her at her home on 26 August. He continued to make threats although he knew the police were intending to arrest him. She attached evidence from the police supporting her request for rehousing out of the borough and letters from her GP and Ms Y.

32. On 27 August Officer B recorded in the case notes "BHP to do reciprocal". Officer B sent an email to three officers in BHP to explain Ms X had not been able to contact her housing officer. He said Ms X needed to move and another West London Council had indicated it was willing to accept Ms X for a reciprocal move if BHP contacted them. He asked BHP to contact Ms X.
33. In her letter Ms Y said one of her colleagues had contacted another London borough on 14 August to enquire about Ms X moving to its area. That borough explained Brent had to initiate the referral under the reciprocal scheme. Ms Y expressed concern about the impact on Ms X's health and said she felt like a prisoner in her home. She said Ms X did not want to move into a women's refuge.
34. On 11 September Ms X made an online application to join Brent Council's Housing Register. She explained she needed to move because of domestic violence.
35. On 17 September Brent Council's Rehousing team wrote to tell Ms X she did not have any identified housing need. She was placed in Band D which meant she could not bid for properties advertised through the Locata choice-based lettings scheme.
36. On 18 September the police arrested Ms X's ex-partner and charged him with stalking. He was remanded in custody until October.
37. In September Officer B spoke to Ms Y's colleague and Ms X about a possible referral under the West London reciprocal scheme. The next two councils on the rota were Hammersmith and Fulham and Hounslow. Ms X said she could not move to those boroughs because her ex-partner has family members and associates in those areas. She said she could only move to two other boroughs in West London (one of which was Ealing).
38. On 22 September the Brent MARAC considered Ms X's case. It has representatives from statutory and voluntary agencies, including the police. On 25 September a police detective sent an email to Officer B to say MARAC had decided Ms X was at high risk of domestic violence. "High risk" cases are those where the victim is considered to be at risk of serious harm or death. He said her ex-partner had threatened to burn her flat down and cut her throat. He also said her ex-partner had links throughout Brent, Hammersmith and Fulham and Hounslow so it was not appropriate for Ms X to be moved to those areas.
39. On 25 September Ms X spoke to Officer B. She said she would discuss with her support worker whether to apply for a management transfer or a reciprocal move. On 26 September Officer B contacted Officer E, a Team Leader in the Housing Needs service who attends the MARAC meetings. He had just remembered Locata was not

advertising properties on the cross-borough section so Ms X had no chance of making a successful bid for a property in another borough.

40. On 29 September Officer E contacted Officer B and his manager to ask them to check with the co-ordinator of the West London reciprocal scheme whether Ms X could be referred to the next borough on the rota. There is no record of any response. No further action was taken to pursue a move under the reciprocal scheme until November.
41. On 15 October Ms X requested a review of the decision to place her in Band D on Locata. She explained her case had been considered by MARAC. She also asked an officer at Brent Housing Partnership to intervene to get her banding reconsidered.
42. On 28 October Ms X's ex-partner was released from prison which increased the risk to her safety. Ms X says her next door neighbour, who is a friend of her ex-partner, began to shout at her and behave in an intimidating manner following his release.
43. On 30 October an advocate from a domestic violence agency sent an email to Ms X's housing officer at Brent Housing Partnership. She enclosed a copy of the risk assessment for Ms X. She confirmed MARAC had agreed an officer from Brent Housing Options would speak to an officer at another West London council about nominating her through the reciprocal scheme. She said it was vital to rehouse Ms X as soon as possible.
44. During October the housing officer at BHP made further email enquiries to the police and the domestic violence advocate. She asked for more information to help its Allocations Panel consider Ms X's request for a management transfer. The Panel was due to meet on 3 November. It seems the Housing Options service had not shared with BHP the information the police detective had already sent on 25 September about the MARAC decision.
45. On 3 November the BHP Allocations Panel considered a management transfer report presented by Ms X's housing officer. It summarised the background history of domestic violence and noted Ms X's ex-partner had recently been released from prison. It noted Ms X's wish to move to a particular borough in West London. Evidence from the police and the domestic violence agency was presented to the Panel.
46. On 5 November the BHP housing officer wrote to Ms X to say her application for a management transfer had been refused because she wanted to move out of Brent. She said Officer B would now ask a manager in the Housing Options service to make a referral for rehousing under the West London reciprocal housing scheme.

Referral to Ealing under the West London DV reciprocal scheme

47. On 11 November Brent contacted the scheme co-ordinator to ask which borough was next on the rota taking into account police advice that it was not safe for Ms X to move to Hammersmith and Fulham or Hounslow. On the same day the scheme co-ordinator informed Brent that Ealing was next on the rota.

48. On 19 November Officer B sent a referral form to Ealing Council asking it to consider Ms X under the reciprocal scheme. He confirmed Ms X could not be rehoused in Brent on the advice of the police. Brent did not send any supporting evidence with the form.
49. A designated officer in Ealing received the request and allocated it to a case officer, Officer D, on 24 November. He also invited Ms X to attend an appointment with Officer D.
50. Officer D interviewed Ms X on 27 November 2014. Ms X told the officer she felt she would not be safe in one particular part of Ealing because her ex-partner visited the area. The officer agreed to speak to her domestic violence advocate. Officer D noted on a form that Ms X suffered from a heart problem but she did not record her other medical conditions or ask Ms X any questions about priority need during the interview.
51. Officer D took no further action until 19 December when she spoke to the domestic violence advocate about Ms X's concerns about her safety in one part of the borough. The advocate did not know Ms X was at risk in that area. Officer D also discussed the case with a team manager in Housing Solutions. He was one of the designated officers who handle referrals made under the West London reciprocal scheme. Officer D told the team manager Ms X was a single applicant and had no established priority need. The team manager sought further advice from the Service Head. He then advised Officer D to contact Brent to find out whether Ms X was in priority need.
52. No further progress was made because Officer D was on leave and only worked for two more days until 3 January. The Council accepts it failed to meet the five day timescale for making a decision on the referral. It accepts this was unsatisfactory and it should have arranged for the case to be reassigned in Officer D's absence.
53. On 29 January Officer D resumed work on the case. She tried to speak to Officer C, the Brent officer who made the referral, to discuss whether Ms X was in priority need but he was not available. So she sent an email asking whether Brent had checked Ms X was in priority need because she is single and does not have a dependent child.
54. Ms X, her representative Ms Y and Brent Council officers had contacted Ealing many times throughout December and January to chase up a decision on the referral. On 14 January one of the Ealing team managers apologised to Ms Y for the delay. He said a colleague would soon contact Ms X. In early February a Brent officer contacted the scheme co-ordinator because it was still waiting for Ealing to make a decision.
55. On 2 February the scheme co-ordinator contacted the Head of Service at Ealing to remind her of the five day target response time. On the same day the Head of Service spoke to Officer D and she replied to Brent later the same day. She said Ealing was likely to refuse the referral on the grounds that Ms X was not a person in priority need for a homelessness acceptance under Part 7 Housing Act 1996. She said unless Brent provided new information about priority need by 3 February that would be Ealing's final decision.
56. Brent did not provide any further information so Ealing confirmed its decision to reject the referral because it did not consider Ms X was in a priority need group. On 4 February Ms

Y wrote to Brent to say she did not understand the reasons for the refusal. She said she felt Ms X had been badly let down and Ms X no longer wished to move to Ealing.

57. Ealing Council accepts it was at fault not to make a decision within the five day timescale. It accepts this caused Ms X avoidable distress because she could not be referred to another authority until it made a decision on the referral. It has offered to apologise and pay Ms X £500 to recognise the distress this caused.
58. Ealing Council does not consider it was fault to reject the referral. The Head of Service co-wrote the original protocol for the West London DV reciprocal scheme and she represents the borough at the West London Housing Partnership meetings. She says one of the guiding principles of the scheme is that boroughs will consider referrals by applying the homelessness acceptance criteria set out in Part 7 Housing Act 1996.
59. Brent referred Ms X to Ms X's preferred borough after it received Ealing's decision. On 12 March 2015 that borough accepted the referral. It awarded Band A priority under its allocations scheme. This happened seven months after Ms X had first approached Brent for assistance with rehousing.
60. Ms X is still seeking accommodation in her preferred borough. She refused some offers made by the Council because she considered the properties were unsafe and unsuitable.

Ms X's complaint to Brent Council

61. On 3 February 2015 Ms Y made a complaint to Brent Council on behalf of Ms X about the way it had handled the case since August 2014.
62. On 3 March Ms Y and Ms X met three BHP managers and a manager from the Housing Options team to discuss her complaint and the way forward. One of the managers apologised for BHP's poor handling of her case and the lengthy delays. Two days later the Housing Options manager wrote to Ms X to explain all the housing options available to her. He explained very few properties were advertised in the cross-borough section of the choice based lettings scheme so her chances of being rehoused in another borough by bidding on Locata were very poor. A management transfer within Brent was not suitable because the police had advised she was not safe in the borough. He said the Council could make a new referral to the next safe borough on the West London DV reciprocal scheme rota now Ealing had made a decision. He also outlined the benefits and disadvantages of making a homelessness application to Brent or another borough and the option of pursuing a mutual exchange. This was the first time Brent had clearly explained to Ms X the full range of housing options.
63. Ms Y pursued the complaint to Stage Two of Brent's complaints procedure. The Chief Executive noted Ms X had not wanted to move to emergency temporary accommodation in August 2014. She did not want to lose security of tenure or give up her dog. The Chief Executive accepted there had been delays and confusion between August 2014 and March 2015. She said BHP and the Housing Needs service had been asked to make service improvements and review arrangements for reallocating domestic violence cases when officers leave the council. She apologised for the frustration and distress Ms X had

suffered due to these oversights and delays. Following further representations from Ms Y, the Council increased its offer of compensation from £500 to £600.

Conclusions

64. Ms X is a vulnerable woman who was badly let down by both councils at a time when she needed timely and sensitive support and advice to help her move away from her abusive former partner.

Brent Council

65. There was fault in the way Officer A carried out the first interview on 7 August 2014. He did not follow the domestic violence procedure. He did not explain all the housing options to Ms X or discuss the West London DV reciprocal scheme. He did not ask Ms X to complete a fear of violence form. The notes were brief and no action plan was agreed. He did not contact her again before he left the Council.
66. There was some confusion in August 2014 about whether Housing Options or BHP were responsible for taking the lead on making a referral to the West London reciprocal DV scheme. According to the case notes, Ms X's preferred borough would have been willing to consider a reciprocal referral then but that did not happen because BHP and Housing Options did not work together effectively.
67. By September MARAC had considered Ms X's circumstances and decided she was a high risk case. This information was shared promptly with the Council but it did not lead to any sense of urgency in handling her case. The decision to invite BHP to prepare a management transfer report to present to the Allocations Panel led to a further two months' delay. The Council already knew it was not safe for Ms X to move to another property in Brent. Officer B had stated to a colleague that there were very few opportunities to get rehoused in another borough using the choice-based lettings scheme. So it is hard to understand why officers pursued the option of a management transfer by BHP when it should have been apparent that this would not meet Ms X's housing needs.
68. Following the BHP Panel's decision, Brent decided to make a referral to Ealing using the reciprocal scheme. Ealing was at fault because it took far too long to make a decision. But Brent must accept some responsibility for the delay because its officers did not contact Ealing to chase a response to the referral until January 2015. They failed to act on several earlier requests from Ms Y and Ms X to contact Ealing.
69. Overall the Council failed to provide Ms X with the victim-centred approach and support that its policy requires. It was left to Ms X and Ms Y to keep contacting officers to find out what was happening. Ms X was left in a state of uncertainty for seven months. We accept Ms X could have asked the Council at any time for emergency accommodation if she felt it was too unsafe for her to remain in the flat. So the threats and harassment she experienced from her ex-partner during this period were not a direct consequence of the faults we have identified. Nevertheless Ms X was a vulnerable woman and the Council's actions caused her serious distress, and prolonged the uncertainty about her housing situation, for seven months. This undoubtedly took its toll on Ms X's health and wellbeing.

Ealing Council

70. The Council took eleven weeks to make a decision on the referral. It did not inform Ms X, her representative or Brent Council of the reasons for the delay. The failure to adhere to the five day timescale in the reciprocal agreement was fault.
71. Ms X could not be referred to another borough under the reciprocal scheme until Ealing made its decision. So that delayed the referral to Ms X's preferred borough by just over two months. That caused Ms X injustice because it prolonged the uncertainty and added to her distress at a very difficult time in her life.
72. The August 2013 DV reciprocal agreement does not explicitly say the receiving borough may reject a referral if it does not consider the applicant is in priority need. The lack of clarity in the agreement is fault. Ealing and the scheme co-ordinator both accept there is a need to review and clarify the wording. They have agreed to carry out this work with the other member boroughs at a meeting of the West London Housing Partnership.
73. All the participating boroughs assess applicants using the same criteria as for homelessness applications. Having considered the comments made by Ealing and the scheme co-ordinator, it was not fault for Ealing to reject the referral because it did not consider Ms X was in priority need. In any event Ms X had expressed concerns in an interview with an Ealing officer that it was not safe for her to move to a certain area within the borough. So the decision to reject the referral did not cause her a significant injustice.

Decision

74. We have completed our investigation into this complaint. There was fault by both councils which caused injustice to Ms X. The councils should take the action identified in paragraphs 75 and 76 to remedy that injustice.

Recommendations

75. Within three months of this report being issued, **Brent Council** should:
- pay Ms X £750 for the distress and anxiety caused by its delays and insensitive handling of her housing needs;
 - pay £250 to Ms Y who has supported Ms X since June 2014 and helped her pursue her complaint with the Council;
 - arrange for a senior manager to write to Ms X to apologise for the way the Council has treated her;
 - provide refresher training for front-line staff in the Housing Options service about the domestic violence procedure and joint working with BHP when the victim is a Council tenant; and

- provide evidence that it has reviewed the liaison and joint working arrangements between BHP and Housing Options and addressed any shortcomings.

76. Within three months of this report being issued, **Ealing Council** should:

- pay Ms X £600 for the distress and anxiety caused by its delay in making a decision on the referral and its failure to communicate with her and her representative;
- arrange for a senior manager to apologise in writing to Ms X for its poor handling of her case;
- arrange for a designated officer to act as a central contact point to log and monitor the progress of all referrals made under the reciprocal scheme and report back to the Head of Service when cases have not been decided within the five day timescale;
- review with its partners in the West London Housing Partnership and the scheme co-ordinator the agreed protocol for the reciprocal scheme to make it clear that the applicant must be in priority need; and
- report the outcome of that review to me.

77. We are pleased to note that both councils have accepted our recommendations to remedy the complaint. They should confirm they have taken the action within three months of the date of this report.