

## **The Ombudsman's final decision**

Summary: Miss X complained about the support the Council provided to her under its Emergency Support Scheme. There was fault in how the Council fulfilled the award it made to Miss X under its Emergency Support Scheme in late 2023. This caused Miss X some avoidable frustration but did not cause any further injustice. The Council agreed to apologise to Miss X and review the information it provides to applicants about the scheme.

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## **The complaint**

1. Miss X complains about the support the Council provided to her under its Emergency Support Scheme. She says the Council:
  - failed to provide items of furniture it agreed to in late 2023;
  - wrongly refused her application for other support in early 2024;
  - took too long to respond when she complained;
  - failed to provide a suitable remedy it responded to her complaint; and
  - ignored her emails.
2. As a result, Miss X says she went without essential household goods and had to sleep on the floor for several months. She says this caused her significant avoidable distress and made her mental health worse.
3. She wants the Council to ensure she has the items she needs, and to provide her with a suitable remedy for the delays.

## **The Ombudsman's role and powers**

4. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I 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. I refer to this as 'injustice'. If there has been fault which has caused significant injustice, or that could cause injustice to others in the future we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
5. We consider whether there was fault in the way an organisation made its decision. If there was no fault in how the organisation made its decision, we cannot question the outcome. (Local Government Act 1974, section 34(3), as amended)

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6. When considering complaints we make findings based on the balance of probabilities. This means that we look at the available relevant evidence and decide what was more likely to have happened.
  7. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

## **How I considered this complaint**

8. I considered evidence provided by Miss X and the Council, as well as relevant Council policy and guidance.
9. Miss X and the Council had an opportunity to comment on my draft decision. I considered their comments before making a final decision.

## **What I found**

### **Emergency support scheme**

10. The Council operates an Emergency Support Scheme to help people in its areas with household goods and other household costs in cases of emergency or financial hardship.
11. The Council has arranged with a neighbouring council to run the scheme on its behalf. The other council takes applications, makes decisions and fulfil awards on behalf of the Council.
12. Before 2024, awards of household goods and furniture were provided in partnership with a local charity. This arrangement ended in early 2024 and, since then, the ESS awards cash payments for applicants to use towards the costs of necessary goods.
13. The Council's ESS guidance sets out standard amounts for some common items, such as furniture, household appliances and other household costs.

### **What happened**

14. Miss X applied to the Council's Emergency Support Scheme (ESS) in November 2023. In her application, she said she was living in temporary accommodation provided by the Council, but outside its area. She applied for various household goods, including a mattress, cooker and washing machine which she said she did not have in her temporary accommodation. She also applied for help with food, utility bills and smaller household items.
15. The Council initially refused the application because Miss X was living outside its area. However, Miss X clarified she had been placed there, in temporary accommodation, by the Council as she was homeless. The Council then approved Miss X's application for most of the items she asked for.
16. The Council arranged for the furniture and appliances it approved for Miss X to be provided by a charity it had a contract with. It provided Miss X a cash award for the food, utility bills and other household items.
17. However, the Council's contract with the charity ended at the end of December 2023, and so it did not provide Miss X with the furniture and appliances the Council had ordered.
18. Miss X contacted the Council about this in late December 2023. The Council told Miss X that its arrangement with the charity had ended and it would review the

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situation in January 2024. However, there is no evidence the Council chased up the furniture and appliances with the charity.

19. Miss X chased the Council for an update on her application in February 2024, but there is no evidence the Council responded.
20. In April 2024 the Council changed its ESS policy. It no longer arranged to provide household goods and furniture directly. Instead, it now makes cash awards for people to buy the goods it decides they need.
21. Miss X applied to the Council again in April 2024. She asked for mostly the same items she had applied for in 2023. The Council refused Miss X's application for most of the items she asked for, but made a payment to Miss X to buy a cooker and washing machine.
22. Miss X complained to the Council in early May 2024. She told the Council she was still without several of the household goods she had applied for in 2023. The Council responded to Miss X's complaint a week later and awarded Miss X a further cash payment for the items the charity was supposed to supply, including the cooker and washing machine it had already provided a cash payment for in April 2024.

### **My findings**

23. It is not the Ombudsman's role to decide whether Miss X was entitled to an award under the Council's Emergency Support Scheme or how much she was entitled to. That was for the Council to decide, in line with its policy. The Ombudsman's role is to consider whether the Council made its decisions properly, including whether it acted in line with its policy.
24. Although the Council's Emergency Support Scheme is administered by a different council, we consider that other council's actions to be taken on behalf of the Council. Therefore, I have just referred to "the Council" in my findings below.
25. I consider there was some fault with how the Council fulfilled the award it made for Miss X in late 2023. The Council failed to:
  - ensure the items it awarded to Miss X were provided, including after it knew the charity had not provided them;
  - update Miss X on her application in early 2024 after it said it would in late 2023; and
  - failed to respond to some emails Miss X's sent about her application.
26. This led to a delay in Miss X receiving some of the items the Council had awarded to her, which I accept caused Miss X some frustration.
27. However, the Council provided cash for some of the items Miss X asked for, and later provided a cash award for the remaining items. That later award was for a larger amount than the standard awards set out in the Council's policy.
28. The Council also paid Miss X twice for the cooker and washing machine it awarded her. This led to Miss X receiving a further £300 more than her 2023 award was originally for.
29. Miss X said that because of the delays she had to sleep on the floor and could not cook for herself for several months. However, the Council provided evidence the temporary accommodation it arranged for Miss X was furnished, and this included a bed, mattress and clothes storage. There was also shared cooking facilities in Miss X's accommodation. Therefore, I am satisfied the delays did not cause Miss X any further injustice.

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30. I do not consider there was any fault in how the Council considered or fulfilled Miss X's April 2024 application.
31. In its response to my enquiries, the Council said that Miss X should not have been entitled to awards under its ESS, because she was not living in the Council's area. However, Miss X was clear about her housing status in both applications I have investigated. Any award the Council made outside its scheme rules was not a result of misrepresentation by Miss X. I consider Miss X was entitled to rely on the Council's decisions to make her an award in both cases.
32. The Council has not apologised for the delays in fulfilling Miss X's, and I consider it should do so. However, Miss X has received around £300 more from the Council than she would have done, since the Council paid two cash payments for a washing machine and cooker. I do not consider it would be appropriate to recommend the Council make a further payment to Miss X to recognise the frustration she experienced because of the delays.

## Action

33. When a council commissions or arranges for another organisation to provide services we treat actions taken by or on behalf of that organisation as actions taken on behalf of the council and in the exercise of the council's functions. Where we find fault with the actions of the service provider, we can make recommendations to the council alone. Here we have found fault with the actions of the other council which administers the Council's ESS on its behalf and make the following recommendations to the Council.
34. Within one month of my final decision, the Council will:
- apologise to Miss X for the frustration and inconvenience caused by the delays in fulfilling the award in made in late 2023 and not responding to some of her emails; and
  - confirm that it will not seek to recover any of the amounts it paid Miss X during the period I have investigated, including the extra £300 is paid Miss X in connection with the award it made in April 2024.
35. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology I have recommended in my findings.
36. Within three months of my final decision the Council will:
- review the information it provides to applicants for its Emergency Support Scheme to ensure residence requirements are clear. This should include information about where people who are not eligible under the Council's scheme, because it has housed them outside its area, might be able to apply for support instead;
  - review, with the council responsible for administering it, the rules of Council's Emergency Support Scheme to ensure this is clear about residence requirements for applicants housed by the Council outside its area.
37. The Council should provide us with evidence it has complied with the above actions.

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## **Decision**

38. There was fault in how the Council fulfilled the award it made to Miss X under its Emergency Support Scheme in late 2023. This caused Miss X some avoidable frustration but did not cause any further injustice. The Council will apologise to Miss X and review the information it provides to applicants about the scheme.

## **Investigator's decision on behalf of the Ombudsman**