

## **APPEALS PANEL NO. 2**

**MONDAY 22 NOVEMBER 2010 AT 2:00PM**

PRESENT: Councillors Earp, Mrs Parsons, Mrs Rutherford and Mrs Vasey

### **1. APPOINTMENT OF CHAIR FOR THE REMAINDER OF THE MUNICIPAL YEAR**

Consideration was given to the role of Chairman of the Appeals Panel 2 for the remainder of the 2010/11 municipal year.

It was moved and seconded that Councillor Earp be appointed as Chairman of Appeals Panel 2 for the remainder of the 2010/11 municipal year.

RESOLVED – That Councillor Earp be elected as Chairman of Appeals Panel 2 for the 2010/11 municipal year.

Councillor Earp declared a personal and prejudicial interest in accordance with the Council's Code of Conduct in respect of the complaint. The interest related to the fact that one of the appellants and the appellant's son was known to him. Councillor Earp then left the meeting room.

It was moved and seconded that Councillor Rutherford be appointed as Chairman of Appeals Panel 2 for the hearing.

Councillor Rutherford thereupon took the Chair.

### **2. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **3. PUBLIC AND PRESS**

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

### **4. COMPLAINT REGARDING THE HOMELESS UNIT**

Consideration was given to a complaint regarding the Homeless Unit.

The Chairman explained the process for the hearing and invited the appellants to present the basis of their complaint for consideration.

The appellants gave the background to the complaint and stated that they believed that the actions taken by the Homeless unit had failed to follow the guidance laid down by the Communities and Local Government, and that those actions had put their child at risk. The appellants also disagreed with the fact that the staff of

Staffield House had attempted to contact their son and with comments made by staff at Staffield House that they deemed to be inappropriate in relation to a 16 year old.

The Chairman asked the appellants what outcomes they would wish to see from the hearing.

The appellants replied that:

- The City Council should accept responsibility for not requesting a joint referral assessment in line with Communities and Local Government guidance
- The City Council should confirm that they followed the guidance regarding domestic violence and vulnerable young people
- The Officer should explain why he/she did not contact them as agreed and why he/she did not meet with their son to discuss issues they had raised
- The City Council should investigate comments made to the Social Worker and why hostel workers were allowed to make comments that the appellants' believe was against facilitating a return home for a young person
- The City Council should apologise for the phone call made to the appellants home advising that their son could call in to the hostel at any time to see them and an acknowledgement that the phone call should not have been made in the first place
- The City Council should acknowledge that the appellants' son came to harm while in hostel care

The Chairman invited the appellants to present their complaint for consideration.

The appellants (MS & RJ) stated that they had nothing to add to the comprehensive information previously circulated.

A Member asked about the visit to the GP. RJ stated that the Social Worker had accompanied their son to the GP as he had disclosed that he had taken an overdose of paracetamol. At that visit the GP noticed evidence of recent self harm. RJ stated that he had never self harmed prior to being housed in Staffield House. She advised that the Social Worker had stated that he should not have been in Staffield House and that the self harming was a cry for someone to take him home.

The appellants gave the background leading up to their son presenting to the Homeless unit. At the time he presented to the Homeless unit he was living with a friend. A relative, an employee of the City Council, saw him in the Civic Centre and asked what he was doing there. As he had arranged to meet a friend their son left the Civic Centre after being advised that he may have to return to give further information. An officer from the Homeless unit tried to contact him but as he had not left a mobile number she asked the relative for that information. The appellants believed the officers from the Homeless unit pursued their son to enable them to place him in Staffield House.

MS advised that the first time their son had presented to the Homeless unit they had been contacted and he had returned home. The second time there had been no contact and he had been placed in Staffield House where they believe he began to self harm and took an overdose. They stated that he had been placed against the advice of the Social Worker. Children's Services had been contacted by the Homeless unit on the day their son had presented; they had then contacted the

appellants. The relative had contacted MS and advised him that she had been contacted by the Homeless unit and that they were intending to house their son. The appellants did not believe there had been enough contact with Children's Services.

While the appellants agreed that officers were guided by the Housing Act and other guidance they did not agree that their son should have been housed while officers were carrying out their investigation. They believed that the Homeless unit were slow in completing the joint assessment form and that they had not contacted Children's Services re housing their son as early as they should have done.

Members advised that the Homeless unit would have dealt with the matter based on the information given to them by their son. The appellants believed that the officer should have contacted them and also taken their comments into consideration.

With regard to the first time their son had presented as homeless, the appellants stated that they had not been prepared to be threatened by their son, that they were not prepared to be seen to be backing down and that their son had to make the decision not to be housed but to return home and abide by their rules. Their son had apologised and asked to return home.

The appellants stated that when he returned home from Staffield House he was smelly and unkempt and he had shaved his head. These actions were out of character and indicated to them that housing him was not the appropriate action.

The appellants stated that they believed that the Council were taking the credit for putting their son in touch with other agencies when he had already had contact with them prior to him being housed.

The appellants stated that staff at Staffield House had informed the Social Worker that he was not ready to meet with his parents but the Social Worker advised that the meeting would go ahead. The appellants were shocked at the response by the staff at Staffield House and believed that they were trying to keep their son in the hostel rather than trying to find a way for him to return home. When their son had returned home a member of staff from Staffield House had rang their son at home. Their son was out at the time and RJ took the call. She was annoyed that a member of staff had tried to contact their son and that they had stated that their son could call into the hostel at any time for support. The appellants believed that was wholly inappropriate under the circumstances.

An under 18 advisor from the Job Centre had contacted the appellants and stated that their son had been advised by the Homeless unit to contact them in respect of benefit payments. The advisor believed that their son was intentionally homeless and that she would be unlikely to award him any benefits. The appellants advised that she contact Social Services which she did. The appellants believed that the Council were giving the wrong message to young people that if they presented to the Homeless unit with a sob story they would be housed and given toiletries and appointments made for them to access money. They did not believe that the joint assessment had been completed as early as it should have been.

The appellants were not happy that the response to their initial letter stated that their son could take the complaint further when it was they who had made the complaint

and not their son. They believed that the Council were not interested in listening to their comments and were discouraging them from making a formal complaint.

The Chairman summed up the complaint as:

- The Homeless unit put their son at risk and have not acknowledged that he came to harm as a result of being housed in the hostel.
- The joint assessment should have been done immediately.
- The Homeless Persons Officer had advised that he would contact the appellants and did not.
- The Council did not acknowledge the appellants' concerns and therefore could not appreciate the wider picture.
- That it was inappropriate for the staff at the hostel to try to contact their son and advised that he could call in at any time. No-one had confirmed that that was standard procedure.
- There should have been some mediation to help their son return home.
- The Council has not acknowledged that their son came to harm as a result of being housed.
- The Council had not acknowledged that it was the parents who were making the complaint and not their son.

The Chairman thanked the appellants for attending the hearing and advised that a letter confirming the Panel's decision, and what steps they could take should they disagree with the decision, would be forwarded to them within 20 working days.

The appellants left the hearing.

The Panel invited the Homeless Persons Officer into the hearing.

The Officer stated that the guidance with respect to young people was vague but that the Officer would contact Children's Services when a young person was homeless and ask for a joint referral. That would be followed up in writing. The Officer confirmed that procedure was followed the same day that the appellants' son (J) had presented to the unit. Social Services had then contacted the parents. He advised that Social Services had 10 days to complete their assessment following the initial referral. During that period J had been housed at the hostel.

A Member advised that the appellants had not believed that housing J immediately was in his best interests. The Officer stated that, under the circumstances, the Council were legally bound to accommodate J regardless of whether what he had told them was true or not, but that he had to be accommodated while investigations were made to establish the facts.

The Officer explained that while J was in the Civic Centre a relative of his had seen him and asked what was happening. J did not have his mobile phone with him when he was interviewed and as the Officer needed to contact him the following day, she asked J's relative if she had his number.

With regard to the phone call from the hostel when J had returned home, the Homeless Persons Officer advised that it was standard procedure if they knew where the person was, particularly in a case of alleged domestic violence, and that

staff would want to ensure that J had somewhere he could go in case something happened. Staff were obliged to provide follow up support for up to 6 weeks.

With regard to the alleged comment made by a member of staff that J should not have been housed there, the Homeless Persons Officer advised that he had spoken with the member of staff concerned and she had not mentioned that that was her opinion.

With regard to the self harming and overdose, staff at Staffield House had raised the concern that J may have taken an overdose and a Social Worker had taken him to see the GP. The GP had found recent cuts on J's arm that indicated self harming. It was not clear whether they had been made during the time that J was in the hostel or before that time.

With regard to J's physical appearance, the Homeless Persons Officer stated that he had no comparison of how he was prior to being housed and that he had only been in the hostel for one week. A member of staff at the hostel had contacted the parents with regard to them taking clean clothes for J but J had stated that he did not want to speak to his parents and the appellants were reluctant to visit the hostel as they believed J should have been encouraged to return home for clean clothes. The appellants reluctantly agreed to drop some clothes off at the hostel.

With regard to comments made about J being intentionally homeless and therefore not eligible for benefits, the Homeless Persons Officer advised that only the Homeless unit could make that decision and that it was their responsibility.

A Member asked whether the initial assessment form had been completed. The form had been completed when J had first presented and it was forwarded to Social Services. The joint assessment was done within the 10 day period but due to a weekend period was later than it would have been otherwise carried out.

The appellants had advised that their son had stayed out until 2:00am one night. A Member asked how staff at the hostel would deal with such a situation. The Homeless Persons Officer advised that residents could stay out up to 3 nights but that they could come and go as they wished. He advised that the hostel was for people aged 16 and upwards but that there were no particular procedures for 16/17 year olds.

The Officer explained that the reason he had not contacted the appellants when he had said that he may have to, or that they may have to call J back into the office, was that while he was talking to the appellant, another officer was talking with J and got the information required. Therefore it was not necessary to contact them or call J back into the office. He stated that he had not said that he would definitely contact them but that he may contact them. He agreed that he should have contacted the appellants to advise that he had got the information required.

A Member advised that the appellants were concerned that there had been no attempt at reconciliation. The Homeless Persons Officer stated that as domestic violence had been alleged it was inappropriate to contact J's parents and that there was clear guidance about such matters.

The appellants had also stated that they believed there had been a lack of communication between the Homeless unit and Social Services. The Homeless Persons Officer did not believe that had been the case but agreed that Social Services may have a different opinion of the situation.

A Member asked whether there was any other provision for young people. The Homeless Persons Officer advised that this was an unusual situation and that J should have been housed at the John Street hostel but officers felt that would have been inappropriate for him. While there was other accommodation provided by other agencies they were not readily available. Guidance also stated that bed and breakfast establishments were not appropriate.

A Member asked whether a support package had been arranged. The Homeless Persons Officer advised that had J remained in the hostel the support from Social Services would have started after 10 days.

The Homeless Persons Officer advised that he was confident that all staff were trained to notice the signs of self harming. He stated that the information given to him by J was not disclosed to the parents as they respected his rights to confidentiality.

Members asked the Homeless Persons Officer to write to the appellants and apologise for the misunderstanding regarding making contact, and advise that the phone call from the hostel was standard practice.

The Homeless Persons Officer advised that the City Councils' protocol with Social Services was being reviewed and that the appellant's comments would be taken into consideration.

The Panel believed that as the needs of a 16/17 year old were different from that of an older person in the hostel, it was likely that the procedures should be reviewed to see whether the process can be improved.

The Panel thanked the Officer for his input. He then left the hearing.

The Panel then considered the evidence that had been presented to them, prior to and during the hearings and made the following decision.

#### RESOLVED:

- That as domestic violence was alleged special procedures needed to be followed which complicated the situation and made it difficult for staff in the homeless unit to liaise with the appellants as they would possibly have otherwise done. Priority at all times was for the welfare of the young person.
- Whilst correct housing procedures were followed the Panel felt that the appellants had highlighted some areas of concern. Firstly where Children's Services become involved it is important that a joint assessment should be given a high priority and therefore take place as soon as possible. The Homeless Persons Officer advised the Panel that officers of the Homeless unit had contacted Social Services on 3 August 2010 immediately following J

presenting to the unit, and indicated that the formal joint assessment would be made at a later date. As the Panel understand, the guidelines state that the joint assessment must be completed within 10 working days. As there were no specific procedures currently in place at Staffield House to support 16/17 year olds, the Panel felt that the current procedures should be reviewed to identify whether any extra guidelines are needed when dealing with 16/17 year olds in the interim period before the joint assessment can be completed.

- The Panel understands that the City Council are in the process of reviewing the protocols with Social Services and the Panel have asked that the appellants' comments be taken into consideration.
- The Panel understand that staff at Staffield House are given appropriate training to identify and deal with clients who are or may be self harming. The Panel are to ask whether further measures need to be taken to identify and deal with such incidents.
- The Homeless Persons Officer had acknowledged that there may have been a misunderstanding in the conversation he had with the appellants on 4 August 2010 when he said that he may contact them again and also that J may be required to return to the office to discuss the issues raised. However, when he spoke to the interviewing officer, as all the relevant information had been obtained there was no need to call J back into the office or to contact the appellants again. With hindsight the Officer acknowledges that it would have been courteous to inform the appellants of this.
- The Panel asked the Homeless Persons Officer why a member of staff at Staffield House tried to contact J at home after he had left the hostel. The Panel were assured that that was normal procedure when they know the whereabouts of the person. The Council has a duty of care to provide aftercare and support for up to 6 weeks after a person leaves the hostel. The Homeless Persons Officer would be contacting the appellants by letter to confirm this and apologise for any distress it may have caused.
- As J was the applicant to the homeless unit, technically he would normally have been the appellant in any complaint and the correspondence on 8 September 2010 reflected that. The Panel, however, acknowledge that the appellants have concerns and accepted their right to make a formal complaint. The Panel understands that the Council's Corporate Complaints procedures are currently being reviewed and will request that consideration should be given to establish appropriate procedures for complex cases where the appellant is not the customer/claimant.

The meeting ended at 17:10pm.