

Local Government &
Social Care
OMBUDSMAN

Homelessness decisions for Disabled people



*Guide for
practitioners*

June 2025

Introduction

This guide forms part of a suite of documents and resources to help council practitioners make good decisions on housing services for Disabled people.

In the complaints we investigate on this subject, we have seen Disabled people suffering additional injustice simply because of their disability.

We appreciate many of the problems councils face in meeting their duties to homeless people are caused by a national housing crisis.

But some of the injustice we find could be avoided. Often this comes down to getting the basics of good administration right. This guide will help with this.

Visit [our website](#) to find other documents and resources in this series.

About our good practice guides

Our series of good practice guides share the learning from our investigations on chosen topics, to help practitioners in councils and local service providers make better decisions.

We choose the topics based on where we find common faults, emerging issues or when promoting our findings can help to prevent future injustice.

The guides use summaries of our investigation decisions to highlight common problems, suggest good practice tips based on where things have gone wrong, as well as explain to practitioners our approach to handling complaints on the topics.



Key learning

Councils can improve Disabled people's experiences and avoid adding to the injustice caused by the shortage of suitable housing, by getting the basics right.

In homelessness, this means:

- > A thorough and accurate assessment of need
- > Completing reviews on time and telling people about their appeal rights
- > Considering steps to make accommodation more suitable for the Disabled person, including aids and adaptations
- > Communicating effectively with applicants; and
- > Working together effectively and sharing information with other departments and other councils



Common issues and complaints

Housing shortages and service failure

The national shortage of affordable housing and the reality of the housing market means we are increasingly making findings of 'service failure'. This is where, despite their best efforts, councils fail to meet their statutory duty.

But regardless of blame, it can mean Disabled people experience significant injustice.

We would expect your council to take steps at both the individual and strategic level to improve its supply of temporary accommodation and meet its statutory duty to homeless people.



Mateo's story

Case ref: [23 010 560](#)

Mateo, his wife, and their three children were homeless. Mateo has a medical condition which needs continuing treatment in hospital. One of his children also has a medical condition.

The council accepted, on review, that the temporary accommodation it had provided was unsuitable. It had extensive damp and mould, and a pest infestation. Mateo was at risk because he was particularly vulnerable to infection.

The council put Mateo's family on its transfer list for an urgent move. Mateo needed to stay near the hospital where he had treatment. The council had difficulty finding accommodation suitable to Mateo's medical needs.

Mateo and his family spent a further 19 months in unsuitable accommodation before moving to a new home. Our investigation found this was service failure and fault by the council.

Putting it right

We asked the council to pay Mateo for each month he and his family spent in unsuitable temporary accommodation.



Common issues and complaints

Assessment of need

When your council assesses the housing needs of Disabled applicants, it should include any property features or adaptations that are necessary for a property to be suitable.

High quality assessments allow your officers to make the best use of scarce time and resources in matching applicants to available properties.

Assessments should be sufficiently thorough and accurate to avoid the risk of wholly unsuitable properties being offered later, which causes significant and avoidable frustration for applicants.



Arthur's story

Case ref: [23 003 461](#)

Arthur has severe and enduring mental health conditions. He spent time in hospital because of his mental health. Arthur was homeless on discharge from hospital. The council provided Arthur with interim accommodation in a hostel with shared facilities. The council assessed Arthur's housing needs and said he needed a room in a shared house or a one-bedroom property.

We found fault with the council's assessment for not considering the information about Arthur's mental health. If the council had done this, it would have decided sooner that Arthur needed self-contained accommodation. This meant Arthur spent seven months in unsuitable accommodation.

Putting it right

We asked the council to pay Arthur to recognise the impact of living in unsuitable accommodation for seven months. It also agreed to remind its staff to consider an applicant's housing needs, and what will be suitable for them, before providing accommodation.



Common issues and complaints

Suitability reviews

Homeless applicants have a right to review the suitability of temporary accommodation provided under the main housing duty, but not interim accommodation.

Your council should make main housing duty decisions promptly to avoid Disabled people being left in unsuitable accommodation without recourse to their statutory right to review the decision.

Your council should also tell applicants about these rights, along with the statutory timescales within which your council must complete reviews

of housing decisions. If your council does not, we may decide to investigate complaints about delay in carrying out suitability reviews.

If there is delay in completing a review, in which the outcome is that the accommodation is unsuitable, Disabled applicants can spend months living in unsuitable accommodation before your council starts looking for somewhere else



Adele's story

Case ref: [23 010 082](#)

Adele and her child were homeless. Adele has physical and mental health conditions. She asked the council for a review of the suitability of the temporary accommodation it provided for her. She said it was unsuitable because of its size, location and layout. She said this was affecting her physical and mental health.

The council took seven months to complete the review. The review found the accommodation was unsuitable for Adele.

We found fault with the council. Reviews should take eight weeks. Had the council completed the review on time, it would have decided the accommodation was unsuitable five months earlier. This means it delayed looking for alternative accommodation for Adele and her child for five months.

Putting it right

We asked the council to apologise and pay Adele for each month of delay.



Common issues and complaints

Aids and adaptations in interim and temporary accommodation

Your council may have a policy of not paying to adapt temporary accommodation, simply because it is temporary.

But with the shortages in adapted housing, Disabled people can spend longer than non-Disabled people in temporary accommodation.

Your council should work with social care services to identify any minor aids or adaptations which make it easier for the Disabled person to live in their accommodation while the council looks for something suitable. A temporary ramp outside the property would have improved Adrian's life significantly in the story below.



Adrian's story

Case ref: [21 015 013](#)

Adrian and his family had been homeless and living in the same temporary accommodation since 2008. The temporary accommodation had a step up to the front door. It had a bath and no shower.

In 2014, Adrian became a full-time wheelchair user. The council accepted the accommodation was unsuitable but did not make any offers of alternative accommodation.

Adrian had, therefore, been living in unsuitable accommodation for eight years and experiencing significant injustice. Not being able to safely enter the property in his wheelchair meant Adrian had fallen often. His wife had to drag him inside, including when she was pregnant. In addition to the physical harm this caused, it also denied Adrian the dignity of being able to access his home safely.

The bathroom had grab rails and a bath seat, which we found mitigated the injustice of the otherwise un-adapted property. However, Adrian had to rely on his wife to help him transfer to the bath seat, putting them both at risk of harm.

Putting it right

We asked the council to pay Adrian for each month he spent in unsuitable temporary accommodation from July 2014. This was 99 months and £29,700.



Common issues and complaints

Collaborating and communicating

Your council should work across departments to minimise injustice to Disabled people. Some examples are:

- > working closely with adult's and children's social care to understand a Disabled person's needs
- > sharing information between homelessness and allocations teams to accurately assess an applicant's priority

- > communicating with welfare benefits teams to ensure an applicant can meet temporary accommodation costs

Your council should also work effectively with other councils if it places someone outside your area. If a homeless household includes a Disabled person, especially a Disabled child, your council should work closely with the other council's social services to ensure care and support needs are met.



Julia's story

Case ref: [22 007 276](#)

Julia has two children. One of her children, Sophie, has significant disabilities. Sophie uses a specialist wheelchair and needs help with all activities of daily life, such as washing, dressing, and eating.

Julia was homeless so the council arranged a two-year tenancy with a private landlord in another council's area, to end its duty. A few months after they moved in, an Occupational Therapist (OT) from the other borough told the council the flat was unsuitable for Sophie.

The door wasn't wide enough to get Sophie's wheelchair into the flat, there were no adaptations to meet Sophie's needs and not enough space for the specialist equipment she needed. Julia had to carry Sophie from room to room, so they both risked injuries.

Our investigation found the council allowed Julia's case to drift for more than three years. The family spent 42 months in unsuitable accommodation because of faults in homelessness and allocations.

These failings were aggravated by poor communication and administrative practice. We found poor processes for responding to contacts, lack of co-ordination and poor information sharing. For example, the council raised the issue of Julia's priority on the housing register on at least two

occasions with the allocations service but failed to follow this up or share the information it had about Sophie's needs.

The council was also at fault for how it communicated with the other borough. It did not acknowledge or respond to the OT's initial report. Sophie's social worker sent more than 10 emails seeking information and updates. They asked to meet with the council to discuss the case, and got no response.

It took increasingly urgent contact from the other borough and Sophie's school for the council to share any information at all following the initial assessment.

Putting it right

We asked the council to make a significant payment of more than £20,000 to Julia and Sophie in recognition of the time they spent in unsuitable accommodation. Sophie was at avoidable risk of harm, in increasing pain, and denied the dignity of moving around her own home in her wheelchair. The council also agreed to commission an independent, external review of the homelessness service and produce an action plan for improvement.



Councils' duties on homelessness

Part 7 of the Housing Act 1996 and the Homelessness Code of Guidance for Local Authorities (the Code) set out councils' powers and duties to people who are homeless or threatened with homelessness.

Someone is threatened with homelessness if, when asking for assistance from the Council:

- > he or she is likely to become homeless within 56 days; or
- > he or she has been served with a valid Section 21 notice which will expire within 56 days. (*Housing Act 1996, section 175(4) & (5)*)

Someone is homeless if they have no accommodation or if they have accommodation, but it is not reasonable for them to continue to live there. (*Housing Act 1996, Section 175*)

If someone contacts a council seeking accommodation or help to obtain accommodation and gives 'reason to believe' they 'may be' homeless or threatened with homelessness within 56 days, the council has a duty to make inquiries into what, if any, further duty it owes them. The threshold for triggering the duty to make inquiries is low. The person does not have to complete a specific form or approach a particular department of the council. (*Housing Act 1996, section 184 and Homelessness Code of Guidance paragraphs 6.2 and 18.5*).

A council must secure **interim accommodation** for applicants and their household if it has reason to believe they may be homeless, eligible for assistance and have a priority need. (*Housing Act 1996, section 188*)

Councils must complete an **assessment** if they are satisfied an applicant is homeless or threatened with homelessness. Councils must notify the applicant of the assessment. This assessment must include:

- > The circumstances that have caused them to become homeless or threatened with homelessness

- > Their housing needs
- > Their support needs (*Housing Act 1996, section 189A and Homelessness Code of Guidance paragraphs 11.7*)

If councils are satisfied applicants are threatened with homelessness and eligible for assistance, they must help them to secure that accommodation does not stop being available for their occupation. This is called the prevention duty. In deciding what steps they are to take, councils must have regard to their assessments of the applicants' cases. (*Housing Act 1996, section 195*)

If councils are satisfied applicants are homeless and eligible for assistance, they must take reasonable steps to secure accommodation. This is called the relief duty. When a council decides this duty has come to an end, it must notify the applicant in writing. The relief duty usually lasts 56 days. (*Housing Act 1996, section 189B*)

If a council is satisfied an applicant is homeless, eligible for assistance, and has a priority need the council has a duty to secure that accommodation is available for their occupation. This is called the main housing duty. The accommodation a council provides until it can end this duty is called temporary accommodation. (*Housing Act 1996, section 193*)

The law says councils must ensure all accommodation provided to homeless applicants is suitable for the needs of the applicant and members of his or her household. This duty applies to interim and temporary accommodation. (*Housing Act 1996, section 206 and Homelessness Code of Guidance 17.2*)

Councils must assess whether accommodation is suitable for each household individually. Whether accommodation is suitable will depend on the relevant needs, requirements and circumstances of the homeless person and their household. (*Homelessness Code of Guidance 17.4 & 17.9*).



Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Phone: 0300 061 0614

Web: www.lgo.org.uk

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)