

Submission by the ACT Ombudsman

ACT LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON HEALTH, COMMUNITY AND SOCIAL SERVICES INQUIRY INTO THE PROVISION OF SOCIAL HOUSING IN THE ACT

Submission by Ms Alison Larkins
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INTRODUCTION AND SUMMARY

BACKGROUND

The ACT Legislative Assembly Standing Committee on Health, Community and Social Services invited the ACT Ombudsman to make a submission to its inquiry into the provision of social housing in the ACT. The first of seven terms of reference for the inquiry concerns the ACT Ombudsman's June 2011 report on the *Assessment of an Application for Priority Housing*.

The following submission addresses the terms of reference in the light of our current and on-going complaint investigations. Comments are made based on recent and current complaint numbers, and observations from case studies derived from recently investigated complaints.

SUBMISSION TO THE INQUIRY

1. *The findings of the 2011 ACT Ombudsman's Report in relation to the ACT Housing priority housing waiting list, Assessment of an Application for Priority Housing, June 2011.*

The focus of this report was on the efficiency and transparency of the administrative process by which a person already on the waiting list could get their application escalated to the priority list. In summary, the problem we identified was that the assessment process then in place was ineffective in recognising that the applicant had provided critical new information to Housing ACT about their circumstances. In our view, the information provided by the applicant should have triggered a re-assessment of the application so that a real attempt to escalate to the priority list was invoked. The applicant was told that their application had been re-assessed, but in fact, no meaningful or substantial re-assessment took place.

Current or more recent complaints seem to indicate that the occurrence and effectiveness of meaningful re-assessment is still limited. We are aware of recent complaints where applicants have provided further details and support documents, but these have not triggered action, or escalation, of the housing application to the extent that the applicants were reasonably expecting that it should.

In response to the Section 18 report, Housing ACT advised that the Gateway Quality Improvement Project was being undertaken to address 'the systemic administrative and procedural issues regarding Housing ACT's application and assessment procedures'.¹ We were advised that the project looked at developing a service delivery framework that would improve the services provided to Housing ACT applicants and tenants and that it informed the implementation of *Partnership in Housing Assistance* and *Central Access Point Strategies*.

¹ Gateway Quality Improvement Project, Position Paper, Quality improvement framework – Gateway Services, January 2011

Partnership in Housing Assistance

This strategy involved the development of a common waiting list for public and community housing. To date our complaint investigations have not indicated any positive or negative trends following from the implementation of this strategy.

Central Access Point

On 1 July 2011, the Central Access Point model for Gateway Services was launched. During a liaison meeting in September 2011, Housing ACT advised us that the new model was designed so that applicants could attend the office and receive immediate assistance to lodge applications for housing assistance or transfer. Previously, applicants would submit an application and then routinely wait weeks to months to have an interview scheduled. Only at this this interview would the process of assessing an application commence.

Since 1 July 2011, we have received 61 complaints about Housing ACT. Fourteen of these complaints were investigated by us (requiring at least one approach for information to the agency). Six of these were about delays or errors in the assessment of applications for housing assistance or transfer applications. The following two case studies derive from current and on-going investigations. They show that issues with assessment and allocation procedures are still a source of complaint to this office.

Ms A

Ms A's application for housing assistance was placed on the high needs housing list with an effective date in February 2011. From May 2011, Ms A notified Housing ACT of two changes in her circumstances that adversely affected her financial situation and increased the urgency of her housing needs. Ms A approached our office when her application was not reassessed despite the changes in her circumstances.

Housing ACT confirmed to us that in June 2011 Ms A provided notification that the rent on her private rental property had increased. Housing ACT acknowledged that Ms A should have received confirmation that the information had been received, that her application had been reassessed and that it would remain on the high needs waiting list. However this did not occur.

In October 2011, Ms A was asked to again email a team leader these details of the changes in her circumstances as the team leader with whom she had been dealing was going on leave. Ms A did as she was asked, however no action was taken until the initial team leader returned from leave. In November 2011, Ms A's application was reassessed and referred to the Supportive Tenancy Service for further assistance. In its response to our investigation, Housing ACT acknowledged its officers could have been

'more pro-active on occasions where the applicant provided additional information'.

In Ms A's case it has again taken an extended period of time (five months) for Housing ACT to act on additional information provided by an applicant.

Ms B

In June 2011, Ms B contacted Housing ACT to advise that her property had been broken into and 'trashed'. She advised that she no longer felt safe in the property and wanted to apply for a transfer. Ms B stated that she was staying with friends and at refuges as she was too scared to return to the property. Housing ACT officers meet with Ms B at her property in mid-August 2011, and inspected the damage from the break-in. There is no indication that Ms B's application for transfer was addressed at this time. Housing ACT officers met with Ms B at her property again in September 2011 and Ms B provided a completed transfer application. Ms B was asked to attend an interview the following week to commence the assessment process of her transfer application. Ms B attended the interview at which she was asked to provide further documentation. Housing ACT has advised that while Ms B's transfer application has been approved and placed on the high needs list, the assessment process continues, and further documentation has been requested from Ms B so that the application may be considered for referral to the Multi-Disciplinary Panel. Ms B's case appears to indicate that prolonged periods of assessment are continuing.

The above matters are still under investigation and we have not reached any conclusions in either case. We note that both these applicants have experienced some weeks with little apparent progress and that Housing ACT has not responded to the information and concerns expressed by the complainants with the urgency that the complainants were reasonably expecting.

2. The demand for social housing including an examination of the current waiting lists and eligibility criteria for priority and high needs housing.

We are aware that the demand for social housing in the ACT outstrips supply by a significant margin. We receive many complaints about the length of time applications for housing (and/or applications for transfer within the available social housing stock) take to result in appropriate accommodation for applicants. Complainants advise us that they remain homeless, or housed in crowded or unsafe accommodation, for months to years. We are aware of tenants living in overcrowded conditions, or living in fear of violence and harassment while waiting to be appropriately housed or transferred.

The practice of stating average waiting times in letters and on the website can give applicants unrealistic expectations of when they may be housed. These expectations can enhance the dissatisfaction they experience. While we understand that the quoted average waiting time is intended to be a non-binding indication only, we continue to receive complaints that priority housing applicants have had to wait longer than the quoted average and are still not housed.

3. The management of waiting lists, innovative strategies to reduce waiting lists and the development of the Social Housing Register.

No comment.

4. The current range, availability and suitability of social housing stock, including new models of social housing and any financial implications.

We are aware that much of Housing ACT's stock includes old properties that fall short of current community expectations for energy efficiency and amenity. We receive complaints about the costs of heating properties through winter. Tenants have also complained that Housing ACT will not provide wall and ceiling insulation for some properties. We have been advised by ACT Housing that stand-alone properties can be retro-fitted with insulation, but blocks of apartments cannot be easily insulated. In relation to wall insulation, the current policy limits installation to single dwellings of four bedrooms or more.

We have received three complaints in the last 12 months relating to properties that are difficult and expensive to heat due to a lack of insulation or the installation of inefficient heating appliances.

Ms C

Ms C complained to us about Housing ACT's refusal to install wall insulation in her flat in July 2010. Housing ACT advised it had also received a number of requests and complaints regarding wall insulation from Ms C since 2006. In 2007, Housing ACT was allocated funding to improve the energy efficiency of its properties over a period of 10 years. As a result Housing ACT developed an action plan and related policies. The relevant policy states that all Housing ACT properties are eligible for ceiling insulation and draught sealing. Housing ACT has advised that ceiling insulation was installed in Ms C's property in February 2007 and the insulation was inspected in December 2008 to ensure it met the appropriate standards. Further draught sealing works were carried out on the property in December 2008.

Complaints we receive seem to indicate that Housing ACT does not currently have any capacity to meet the housing requirements of applicants or tenants with additional, highly specific needs, for example health issues that are not formally recognised as a 'disability'.

Ms D

Ms D has several medical conditions exacerbated by environmental factors. Ms D has been a Housing ACT tenant since 2003. In 2006, Ms D applied for a housing transfer following changes to her property that were aggravating her condition. Once the transfer application was assessed it was placed on the high needs transfer list with an effective date of April 2006. Ms D's transfer application has been considered by the Multi-Disciplinary Panel on several occasions and remains on high needs transfer list. Due to Ms D's specific housing requirements as outlined in a doctor's letter of November 2009, Housing ACT has advised this office that it is unable to determine how many, if any, of the properties it currently owns or manages may be suitable for Ms D or other people with similar specific housing needs.

5. *The management and maintenance of social housing stock including the development of an asset management plan.*

We are aware that the cost of maintenance of older Housing ACT properties is a significant liability. Also, dissatisfaction with the quality and timeliness of maintenance services continues to be a recurrent complaint theme.²

6. *The needs of social housing managers and all social housing tenants, including current tenants, prospective tenants and waiting list tenants, and people socially and geographically affected by social housing allocation.*

The new Gateway Services model is a move towards a more integrated provision of community services, including the provision of social housing. This model recognises that many Housing ACT clients face broader challenges other than just the need for housing. Identifying, acknowledging and responding to clients' circumstances holistically is in principle a better model than a siloed approach which disengages housing needs from other community support requirements. The agency will need to monitor the potential administrative overhead which may encumber this model – for example the need for sharing client confidential information, increased liaison between business units within the agency and between support organisations, and the need for complex case management processes and systems.

7. *Any other related matter*

We receive complaints from housing applicants that suggest Housing ACT does not always keep clients well informed of the progress of their matters. The status of housing waiting lists means that significant delays between application and resolution are a common experience for clients. Complainants will tell us that they have tried to make contact with a relevant officer, but their calls are not returned. On investigation we are sometimes told that there are no documented records of a contact having been made.

² See Appendix 1

Appendix 1 – Housing ACT complaints received since 1 July 2010

Complaint numbers

206 Complaints received since 1 July 2010
157 Not investigated
49 Investigated

Complaint issues³

12 Delays in maintenance being completed or the quality of maintenance that has been completed
2 Delays in assessment of housing application
21 Delays in allocation of housing following completed application assessment
3 Excessive costs to heat properties
4 Sundry Accounts (dispute liability for tenant responsible maintenance costs)
12 Other (Neighbourhood disputes, complaints not responded to)

³ It should be noted that some complaints raise more than one issue.