



**Responses to the
Consultation on the
Proposed Own Initiative
Investigation on the
Homelessness Assessment and
Review Process (September 2020)**

Consultee	Summary of Comments	The Public Services Ombudsman for Wales' ("PSOW") Observations
<p>Julie James MS Minister for Housing and Local Government</p> <p>(First Response)</p>	<p>The Minister welcomed the Ombudsman's intention to consider the homelessness process for the first own initiative investigation.</p> <p>The Minister expressed concern about whether there was a consistent approach by Local Authorities when both implementing the Act, and when operating within the spirit of the legislation. The Minister indicated that the work could be extremely useful in identifying areas of work to be taken forward and prioritised.</p> <p>The Minister suggested that PSOW could also consider the wider implementation of legislation, including the interpretation of the term 'reasonable steps' (s.65) and the Local Authorities' duty to co-operate (s.95), as this would significantly benefit ongoing work intended to develop a more preventative approach to tackling homelessness.</p>	<p>Where appropriate, consideration will be given to how Local Authorities operate within 'spirit of legislation'.</p> <p>These are helpful suggestions but would make the scope of the investigation too wide. These concerns have been noted for future consideration.</p>
<p>Torfaen County Borough Council</p> <p>(First Response)</p>	<p>The Local Authority referred to its processes and procedures which it said were in line with legislation, guidance, and relevant case law.</p> <p>All staff were appropriately trained and attended briefings and supervision to ensure compliance. The Local Authority said that case management and supervision reviews were sufficient to highlight any identified issues.</p> <p>The Local Authority said that individuals were advised of the right to review and provided with guidance on the process.</p>	

	<p>The Local Authority was part of a regional group which focused on the strategic and operational direction of services. It also had connections to all Local Authorities in Wales through the Housing Network Project.</p> <p>The Local Authority said that, at every stage of the application process, including when issuing statutory duty letters, information was provided on the right to review, and how to access independent advice, advocacy services, and the steps to be taken when disputing a decision that has been made.</p> <p>When a review request is acknowledged a letter is sent detailing the timescales, and the evidence the applicant must submit to support the request.</p> <p>When a decision is overturned, the Reviewing Officer discusses the case with the Decision Maker providing an explanation for the decision. Any learning gained from this is shared with the team and amendments are made to processes and procedures when necessary.</p> <p>The Local Authority does not believe that the proposed investigation is in the public interest at the moment, particularly in view of the work undertaken to ensure the accessibility of services.</p> <p>The Local Authority said that it was complying with the Regulations, however it would welcome an external viewpoint, and any feedback based on best practice.</p>	<p>The Ombudsman acknowledges the unprecedented efforts made by local authorities in response to the COVID-19 pandemic. The Ombudsman is aware of the challenges faced by those working within the Housing sector. However, the Ombudsman is mindful that he has an operational duty to contribute to public service improvement, even in such times.</p> <p>As part of the proposed investigation, the Ombudsman hopes to identify what lessons have been learned and build on the successes already achieved by the Housing sector. His intention is to make recommendations that contribute to creating a more equal Wales for future generations.</p> <p>The Ombudsman's Investigation Officers will be mindful of the time and resource pressures faced by Local Authorities Officers during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
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<p>Wrexham County Borough Council</p> <p>(First Response)</p>	<p>The Local Authority said that homelessness applicants were advised verbally and in writing that they could ask for a review of a decision at each stage of the assessment process.</p> <p>Letters also advised homelessness applicants of the review process. Additionally, the letter provided information on seeking legal advice via Shelter Cymru. Applicants were also advised, in writing, about the review process and the details of who would undertake the review.</p> <p>Reviews are considered by an independent panel, which includes officers not involved in the original decision. The Housing Panel includes the Housing Options & Allocations Lead, Housing Options Team Leader, Housing Solicitor, Housing Tenancies Lead and another officer from the Housing Management Team. The Housing Solicitor ensures that all legal obligations and compliance with the Code of Guidance have been met. The Housing Management Officer is impartial and unaware of individual applications.</p> <p>The applicant has 8 weeks to provide any supporting information. Notification of the decision is given in writing.</p> <p>The Local Authority said that it is committed to improving and reviewing processes where required. An example was provided where the Local Authority had reviewed the questions asked of applicants about location.</p> <p>The Local Authority said that, in view of the pending legislative changes, the informal agreements relating to rough sleeping, and no evictions, it may be advisable to delay commencing such an investigation at this time, as there may be a risk of incorrect</p>	<p>The use of an independent panel is of interest and may be considered representative of good practice.</p> <p>This example of improvement is encouraging and may be considered as representative of good practice.</p> <p>The Ombudsman acknowledges the effort undertaken by local authorities to operate in a rapidly changing landscape as they respond to the COVID-19 pandemic. He</p>
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	<p>conclusions being reached, or any investigation or report produced becoming quickly obsolete or potentially be of little effect as a tool for improvement</p>	<p>is sympathetic to the pressure and challenges experienced by those administrating the services. however, the Ombudsman has an operational duty to contribute to public service improvement, even in such times.</p> <p>The investigation will take into account the impact of previous and current legislation and practice so that it may be reflected in the analysis and conclusions. Where applicable, any recommendation would be relevant to a post COVID-19 service.</p>
<p>Julie James MS Minister for Housing and Local Government (Second Response)</p>	<p>The Minister said that Local Authorities had worked incredibly hard since start of pandemic. Through partnerships with the health sector, third sector, registered social landlords, and voluntary organisations they brought people in from the streets placing them in temporary and emergency accommodation.</p> <p>The Minister said that, whilst proud of the sectors' response, it is important that we reflect and see whether there are any lessons that we can learn from our experiences over these past months.</p>	<p>The investigation will take into account the effort and action undertaken by the Local Authorities in response to COVID-19 reflected in the report.</p> <p>The revised focus of investigation to incorporate the impact of the COVID-19 pandemic should enable us to do this.</p>
<p>Ceredigion County Borough Council</p>	<p>The Local Authority said that, during the COVID-19 pandemic, reasonable adjustments were made so that applicants could be assessed. This allowed the Local Authority to meet its statutory obligations.</p> <p>At each stage of the process, the decision is provided to the applicant in writing. Each notification includes the review procedure.</p>	

	<p>Any learning or improvement arising from a review would be addressed with the team and identifies any training requirements identified.</p> <p>Despite applicants continuing to receive notifications, no reviews have been carried out during the COVID-19 period.</p> <p>The Local Authority said that, without face to face assessments being undertaken, some quality of interaction had reduced, but that required substantiation through service user engagement.</p> <p>The investigation proposed by the PSOW was appropriate as it represented an independent balanced review, taking into account changing Welsh Government policy and local resource. Furthermore, it was an opportunity to share best practice and improve processes, which can only benefit the clients experience and the Local Authorities' service. The investigation will also highlight to Welsh Government the challenging environment in which Local Authorities and other agencies deliver homelessness services.</p> <p>The Local Authority suggested that third sector providers and other groups such as Shelter Cymru are involved in the process.</p>	<p>The impact of COVID-19 on review requests will be considered as part of the proposed investigation.</p> <p>The impact of adjustments made in response to COVID-19 for both applicants and those administrating services will be taken into consideration during the investigation.</p> <p>This suggestion was welcomed by the Ombudsman. Engagement with service users, third sector and other representative groups will form a vital part of the information gathering part of the proposed investigation. The Ombudsman's Investigation Officers will engage, as appropriate, with relevant groups whilst working within Welsh Government's guidance on social distancing.</p>
<p>Wrexham County Borough Council (Second Response)</p>	<p>Assessments are carried out in accordance with the Welsh Government's Code of Guidance (2016) and the legal requirements set out in the Housing (Wales) Act 2014.</p> <p>Applicants are advised verbally of their right to request a review of a decision for homelessness assistance.</p>	

	<p>Correspondence is sent to applicants containing information about requesting a review based on the suitability of an accommodation offer or when a duty has ended. This also includes information on seeking independent legal advice and provides the contact details for Shelter Cymru.</p> <p>Overtaken decisions are discussed either, during team briefings, or in one to one supervision sessions, so that the necessary steps can be taken to avoid a recurrence.</p> <p>When required, procedures are amended to reflect lessons learned. An example was provided which demonstrated officers seeking further information from applicants about access to transport when assessing the suitability of accommodation.</p> <p>The amendments to the priority need categories and the definition of vulnerability have resulted in an assessment process, focused on areas such as personal issues and suitability of accommodation. Whilst the suspension of the priority need category, made the assessment process easier, it has been more difficult to gather relevant information, regarding applicants, from third parties. Additionally, during the COVID-19 pandemic, there were fewer reviews.</p> <p>The Local Authority said that it was not in the public interest to undertake the proposed investigation. Officers are dealing with the priorities set by Welsh Government, whilst continuing to provide the day to day service for members of the public who may be at risk of homelessness.</p>	<p>This example of improvement is encouraging and could represent an example of good practice for all Local Authorities.</p> <p>This example of a change in practice in response to COVID-19 could represent an example of good practice for all Local Authorities, particularly ones with rural locations.</p> <p>When undertaking the proposed investigation consideration will be given to the impact of previous and current legislation and practice so that it may be reflected in any analysis and conclusions. Where possible, any recommendations will be relevant to a post COVID-19 service.</p> <p>The investigation will reflect the efforts and actions of local authorities in response to COVID-19.</p> <p>The Ombudsman acknowledges the unprecedented efforts made, and which continue to be made, by local authorities in</p>
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	<p>The Local Authority was also successful in securing Welsh Government funding towards the future rehousing of homeless individuals as part of Phase 2 of the Welsh Government’s response to homelessness. The Local Authority said that this was a considerable piece of work, involving partnership working. An investigation would take valuable staffing resources from the project.</p> <p>The Local Authority said that an investigation would not examine a service operating under normal circumstances.</p> <p>The Local Authority said that the majority of requests for a review were made on a point of law, rather than due to an error in the assessment process.</p>	<p>response to the COVID-19 pandemic. He is sympathetic to the challenges faced by officers within the sector but is mindful that, as Ombudsman, he has an operational duty to contribute to public service improvement, even in such times. It is the Ombudsman’s intention to use the proposed investigation to identify wider and share lessons and build on the successes achieved in order to help to create a more equal Wales for future generations.</p> <p>Local authorities are operating in a rapidly changing landscape in response to the Covid-19 pandemic, in view of this, the Ombudsman’s Investigation Officers will be mindful of the time and resource pressures on local authorities and will ensure that proportionate and reasonable enquiries are made.</p>
<p>Torfaen County Borough Council (Second Response)</p>	<p>The Local Authority provides the statutory assessment functions and works in close partnership with a range of agencies to tackle homelessness and develop services that assist individuals who are homeless or at risk of being made homeless.</p> <p>Staff on the front line understand the processes and have clear national and local guidance to follow.</p>	

	<p>Information is clearly provided from the very outset around an individual's right to request a review. This includes the timescales involved and an invitation to speak to the case officer or another member of staff if they are unsure. Applicants are also advised to contact independent advice agencies and information is provided on how to do this.</p> <p>Regular checks and audits are undertaken by team leaders. Any issues identified are addressed with the officers. Additionally, if a case is overturned, the officer is advised of the reason why and, if appropriate advice and supplementary training is provided. The Local Authority said that this was a constant area of learning across all sectors The Local Authority said that informal resolutions were devised very swiftly and helped restructure and refine the processes.</p> <p>The Local Authority said that it used behavioural economics to attempt to engage with customers in a different manner, and that the initial findings were extremely positive, including greater engagement with individuals around the whole process and an improved outcome around homeless prevention. The Local Authority said that it worked in partnership with 6 other Local Authorities, to devise a new case management system which provides a greater level of interaction with customers and allows for greater overall monitoring without this increasing the overall workload and pressures on staff.</p> <p>The framework for the legislation was very clear and it was adhered to by Local Authorities. Letters provide guidance to individuals on the options available to them around reviews and what the requirements are.</p>	<p>These changes are encouraging and could be considered an example of good practice for all Local Authorities.</p> <p>This method of monitoring through behavioural economics and the impact of the changes to customer engagement could be considered an example of good practice for all Local Authorities.</p>
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	<p>The Local Authority said that the assessment process was more difficult in some instances since COVID-19 because face to face interviews had been removed. The Local Authority said that this slightly de-personalised the process and the work that had been established. However, the Local Authority hoped that the use of technology and the new case management system would bring some benefits, although there was some concern about engaging with those who may be digitally excluded. The Local Authority said that case numbers had increased for certain groups (namely single people faced with relationship breakdown) and it had been more difficult to undertake prevention work which had conversely increased the demand for temporary accommodation.</p> <p>The Local Authority said that COVID-19 had very little impact on the number of reviews requests, which were slightly less than before.</p> <p>The Local Authority had met its accommodation duties arising from the COVID-19 situations despite the significant pressure it placed on resources, both from a financial and practical perspective. There was some difficulty managing some accommodation provided to people resulting in significant risk to both staff and residents alike. The Local Authority said that it was making better use of technology to speed up certain elements of the decision-making process alongside being able to develop staff in their communication skills.</p> <p>The Local Authority said that the timing of the proposed investigation was unhelpful. Local authorities were under extreme pressure and were developing and delivering a very challenging programme. Time taken on work such as this was best completed once the pandemic had eased and the pressure had passed.</p>	<p>The efforts and actions of local authorities and the impact on the process following COVID-19 will be considered during the proposed investigation.</p> <p>The impact of COVID-19 on review requests will be considered as part of the proposed investigation.</p> <p>The efforts and actions of local authorities in response to COVID-19 will be taken into consideration during the proposed investigation.</p> <p>The Ombudsman acknowledges the unprecedented efforts made by local authorities in response to the COVID-19 pandemic and is sympathetic to the challenges faced by staff within the Housing sector. However, he is mindful that he has an operational duty, as</p>
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		<p>Ombudsman to contribute to public service improvement, even in such times. It is hoped that the proposed investigation will identify lessons, and build on the successes achieved, so that any recommendations help to create a more equal Wales for future generations.</p>
<p>Helena Herklots CBE Older People's Commissioner for Wales</p>	<p>The Commissioner welcomed the proposal stating that the plight of older people who become homeless was a real and growing concern.</p> <p>The Commissioner referred to a paper by Age UK (July 2019) which indicated that the scale of elderly homelessness was set to double by 2025 in England and Wales. Age UK found that many older people do not apply to Local Authorities for help, and those who do may be denied the help they need depending on the Local Authority's interpretation of legislation. Age UK noted that even where vulnerability and priority need were established, homeless older people were often hidden in hostels or temporary accommodation and did not appear in the official statistics.</p> <p>The Commissioner said that the availability of advice and support, particularly around securing alternative accommodation, was crucial, as was having a clear understanding of the assessment process, the right to request a review, and the right to make a further complaint.</p> <p>The Commissioner agreed that greater emphasis on collaborative working presented an opportunity to change perceptions and reach those who felt unable to engage with services.</p>	<p>The Commissioner's response highlighted the difficulties encountered by older people in Wales. Consideration will be given to this aspect during the investigation.</p>

<p>Adrian Crompton Auditor General Audit Wales</p>	<p>The Auditor General referred to his report on Managing Demand looking at local authority homelessness services (January 2018), which found that, whilst the Housing (Wales) Act 2014 required Local Authorities to focus on preventing homelessness, not all Local Authorities had effectively organised themselves to fully implement these new duties.</p> <p>It found that the implementation of the new prevention duties required different skills and new ways of working, however Local Authority responses to these challenges varied and not all Local Authorities had implemented their new statutory responsibilities effectively.</p> <p>The Auditor General said that the reduction in funding for homelessness services had resulted in a post-code lottery of services across Wales. Whilst Local Authority expenditure on homelessness services had been offset by Welsh Government grant funding, not all Local Authorities were using this grant to develop sustainable approaches to tackling homelessness. Services were too inconsistent to ensure all homeless people who needed help and advice were receiving it.</p> <p>With regard to performance, the Auditor General concluded that homeless people, or those at risk of homelessness, received very different solutions depending upon where they sought help in Wales. Whilst most authorities had developed a range of choices to address homelessness, there were still opportunities to broaden options. Additionally, whilst national performance indicators suggested some success in the prevention of homelessness, Local Authorities' performance varied too widely and was beginning to fall. Furthermore, Local Authority performance management</p>	<p>This report was considered when formulating this consultation and will be considered again as part of the proposed investigation process.</p>
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	<p>arrangements did not focus sufficiently on demonstrating that services were provided equally for all citizens which undermined their ability to fully meet the Public Sector Equality Duty (PSED).</p> <p>The Auditor General also referred to his report on people sleeping rough (July 2020). This similarly identified the weaknesses in how services were provided to very vulnerable homeless people. The review did not specifically consider the provision of the statutory homelessness assessment process, instead, it focussed on how public bodies collaborated and integrated service responses to tackle street sleeping. The Auditor General said that, whilst it was the Local Authorities' statutory responsibility to address rough sleeping, other services and organisations were required to play their part to meet the needs of vulnerable street sleepers. However, that engagement varied widely and was not working effectively.</p> <p>The Auditor General said that he found weaknesses with the application of Section 95 of the Housing (Wales) Act 2014 which placed a duty on public bodies to co-operate in helping to address homelessness.</p> <p>In the July 2020 report the Auditor General recognised that both the Welsh Government and Local Authority housing services had responded positively to the challenge of COVID-19 and assisted over 800 people into safer more appropriate accommodation.</p>	<p>The report was taken into consideration when formulating the consultation and will be considered again as part of the proposed investigation process.</p>
<p>Bangor Law School</p>	<p>Reference was made to a recent published report on Good Administration and Justice in Wales. The research identified concerns around the difficulties for Local Authority officials of applying legislation and guidance that is seen as complex, including statutory obligations to ensure that assessments are carried out</p>	<p>The report will be considered as part of the proposed investigation process.</p>

appropriately. They heard that Local Authority staff ‘are not legal experts, they just administer law’.

There were particular difficulties identified relating to understanding the distinction between law and policy, and between rule-governed and discretionary decision-making, and, particularly how increases in the volume of soft-law (such as guidance and various new frameworks), that are tools to support decision-making, can lead to confusion about the appropriate space for discretionary judgement.

Although the research was conducted largely pre-COVID-19, it is felt that increases in guidance (statutory and non-statutory) and ‘advice’ post COVID-19, especially as to what is, or is not, ‘reasonable’ in particular contexts, may have added even further layers of complexity to decision-making processes.

The importance of advice, sometimes including legal advice, to the accessibility of reviews, to review process, and to the potential for learning lessons from reviews was noted. The research respondents were particularly concerned about the lack of access to legal aid funded advice since there were very few providers holding legal aid contracts to give housing law advice, and those that do, were finding their services increasingly stretched. This was also borne out by evidence to the Justice Commission, that, even when legal rights to seek review or appeal of particular administrative decisions were stated clearly in a decision letter, lack of access to advice (and specifically legal aid funded advice) was still a major barrier to accessing and navigating routes to redress.

The report recognised the complexity of the landscape, where public funding was available to challenge some aspects of decision-

making, but not to challenge other aspects. There was a feeling that advice services were generally quite ‘hit and miss’ and more could be done to provide clear and easy read information to people about their housing rights, including their rights to seek a reviews, and their rights to independent legal housing advice, as early as possible. It was noted that some said the advice provided was clear and given early, but in some cases the advice given was not factually correct.

One of the most commonly noted reasons for lack of challenge cited by the research participants was ‘exhaustion’, simply not having the ‘energy’ to navigate processes, compounded by negative attitudes from Local Authority staff, feeling anxious and intimidated and lacking confidence, especially in relation to matters like preparing written submissions or having to attend oral hearings. The feeling of ‘power imbalance’ between the individual and the public body was also noted.

In addition to homelessness reviews, the research also focused on the administrative review processes across social housing allocation decisions and the landlord and tenant relationship in social housing. Similar issues were found to be arising in all areas; including variability in accessing the review procedure (related to the ‘in’-accessibility of advice, including legally aided advice), variable perceptions of the quality of review processes, limited to no data collection on the number of reviews and their outcomes, limited to no information collected about informal dispute resolution mechanisms and their outcomes. This was particularly concerning given that internal administrative review was the main means of redress available under the Welsh legislation.

	<p>These concerns specifically support the broader case for the own initiative investigation, as the findings may well be of wider public interest to the social housing sector as a whole not just to the specific context of homelessness.</p>	
<p>Professor Sally Holland, The Children’s Commissioner for Wales</p>	<p>The Commissioner welcomed the Ombudsman’s proposal to undertake an investigation on the homeless assessment and review process in order to better understand, and collectively address, the effectiveness of statutory obligations in regards to assessing homelessness and homeless prevention for children and young people and their families.</p> <p>The Commissioner was concerned that a disproportionate number of young people who were care experienced, faced the devastating experience of becoming homeless. Whilst the Commissioner welcomed the steps taken in recent years, including “When I am Ready Placements”, the Barnardo’s Care Leavers Accommodation Framework, and increased funding from Welsh Government to support accommodation schemes specifically for care leavers, young people continue to fall through the gaps in statutory support. As a result, they experience extremely precarious housing situations and homelessness. In recent years, the Commissioner has seen the numbers of care experienced young people who have experienced homelessness increase, from 69 in 2016/17 to 90 in 2018/19. However, it should be noted that this figure only includes those who have been identified as homeless, the figure could be higher. The Commissioner referred to the End Youth Homelessness Cymru report “Don’t Let Me Fall Through The Cracks” which explored the structural and systematic failures that were potentially contributing to this increase.</p>	<p>The Commissioner’s response highlights the difficulties encountered by young people in Wales. This will be taken into consideration during the investigation.</p> <p>The report will be considered as part of the proposed investigation process.</p>

Through annual reports, the Commissioner consistently raised concerns regarding the lack of adequate support and suitable housing for care leavers and has called for statutory amendments to be implemented to ensure that vulnerable young people who are leaving care can access consistent support whilst they embark on their transition to adulthood, along with having a dedicated person to help navigate complex and varying assessment processes for housing, should they need it.

The Commissioner referred to the most recent Welsh Government statics on households with dependent children living in temporary accommodation and threatened with homelessness demonstrating the significant number of children and young people in Wales exposed to precarious housing situations, of which they may have little control over. The Commissioner said that it was critical, that any assessment on homelessness for families with dependent children, takes account of children and young people's unique rights as set out in the United Nations Convention on the Rights of the Child (UNCRC).

The Commissioner was aware that the use of bed and breakfast accommodation had increased in some Local Authorities for young people who have left care during the pandemic, when it has not been possible to secure suitable accommodation. This was particularly concerning since not all 'bed and breakfast' arrangements are suitable for young people. In some cases, young people, some as young as 16, were placed in a vulnerable circumstance and open to exploitation.

These concerns were raised in the End Youth Homelessness Cymru working group.

The research referenced by the Commissioner will be considered as part of the proposed investigation.

	<p>The Commissioner referred to the Welsh Government guidance for Children’s Social Services during the COVID-19 pandemic and recognised that “finding suitable and available accommodation for care leavers may continue to be a challenge”, which she said demonstrated the increased pressure on social services and young people to appropriately and safely house care leavers, who are some of the most vulnerable young people in our society. The Commissioner also said that many young people have not been able to access support in the way they usually would during the pandemic.</p> <p>The Commissioner referred to research by CASCADE and Voices from Care, with care leavers and the professionals supporting them during this time, to better understand the needs of care leavers and how best they could be supported. The Commissioner suggested that this research would be relevant to this review in terms of understanding the unique needs and vulnerabilities of care leavers and how housing support can best be provided.</p> <p>The Commissioner said that the Public Services Ombudsman for Wales was the appropriate organisation to conduct this work because responding to homelessness was a key public service duty. It was also an issue that, if done well, could have transformative effects for individuals’ and families’ lives and is therefore of sufficient importance. The Commissioner would expect the Ombudsman to consider the recent reports mentioned in this response to avoid any duplication of research effort in those specific areas, which would not be a good use of public money.</p>	<p>This suggestion is welcomed and will be considered as part of the proposed investigation.</p>
<p>Denbighshire County Borough Council</p>	<p>The Local Authority said that timely assessments were being carried out by all Authorities to meet their statutory obligations.</p>	

The Local Authority said that through the COVID-19 pandemic, it had seen more homelessness applicants accommodated, and there were only a very few applicants who had their duty ended. However, in those cases, they were given information to request a review of the decision.

The Local Authority said that, wherever possible, it complied with the procedures and timeframes associated with assessments and reviews, unless there were particular circumstances preventing this.

The Local Authority said that it spent a lot of time 'firefighting', and that the pressures of work on frontline services meant that the opportunity for reflection and learning to change practice was often missed.

The Local Authority said the service had to change the way it carried out the assessment for the majority of homelessness applicants in response to COVID-19, and that they were now undertaken virtually or over the telephone. Additionally, the review process was more difficult because of the lack of accommodation choices and supply. The Local Authority said that utilising larger establishments such as hotels as emergency accommodation made it easier to provide additional support to homeless households and worked well. However, where homeless applicants have displayed ongoing anti-social behaviour it was difficult to manage given the duty to accommodate.

The Local Authority agreed that the proposed investigation was in the public interest and that the PSOW was the most appropriate body to undertake this.

<p>Caerphilly County Borough Council</p>	<p>The Local Authority said that it was making every effort to meet its statutory obligations, but this was tempered by the sheer level of presentations, the complexity of the applications, and the difficulty in obtaining information during this extremely challenging period.</p> <p>The Authority said that details of the right to request a review were included in all notification letters. It also signposted applicants to Shelter Cymru or the Citizens Advice Bureau to ensure applicants were fully informed.</p> <p>The Local Authority said it took every opportunity to update and keep abreast of changes, including decisions that were overturned, which would be disseminated amongst the teams. The Local Authority said that original decisions, review reasons and the outcomes were imperative to good practice and ongoing processes.</p> <p>The Local Authority said that COVID-19 created a huge issue in terms of the application of priority need and the placements involved. Whilst the same assessments have to be completed, the sheer levels of applications created such a huge burden on staff, assessments may flounder as a consequence.</p> <p>The Local Authority said that there has been little impact on the review process by Covid-19.</p> <p>The Local Authority said that it was difficult to comment on how anything has worked positively within the pandemic other than to confirm the total commitment given by staff. The Local Authority said it felt like a firefighting service with all the outcomes to follow later. The crisis remains paramount with funding and plans yet to kick in.</p>	<p>The efforts and actions of Local Authorities in response to COVID-19 will be taken into consideration during the investigation reflected in the report.</p> <p>The impact of COVID-19 on review requests will be considered as part of the proposed investigation.</p> <p>The Ombudsman acknowledges the unprecedented efforts made by Local Authorities in response to the COVID-19 pandemic. He is aware of the challenges faced by staff within the housing sector.</p>
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	<p>The Local Authority said whether it is in the public interest for the Ombudsman to investigate in the manner proposed depends on its purpose, and that any improvement suggestions were welcome.</p>	<p>However, he is also mindful that he has an operational duty as Ombudsman to contribute to public service improvement, even in such times.</p> <p>The proposed investigation will identify lessons and build on the successes achieved which may help create a more equal wales for future generations.</p>
<p>Neath Port Talbot County Borough Council</p>	<p>The Local Authority said that the removal of priority need in response to the COVID-19 pandemic put immense pressure on the service. All assessments were carried out remotely, while support and prevention work continued.</p> <p>Additionally, the Local Authority said that the volume of presentations had put great pressure on the service, although staff working from home had worked to a certain degree. However, this level of homelessness presentations cannot continue.</p>	
<p>Cardiff Council</p>	<p>The Local Authority said that it had the appropriate resources and processes in place to ensure that housing advice and assistance was readily available to anyone who needed it. A range of services were in place to ensure that accessing help and completing a homeless assessment was as easy as possible for the individual. The processes ensured that the assessment was appropriate and complied with statutory requirements. The Local Authority worked closely with other services and agencies to ensure clients were referred for an assessment at the earliest opportunity.</p>	

The importance of an assessment was promoted across other Council services, including the Outreach Team who completed mobile assessments for people who were sleeping rough. Support was also available for those with mental health issues; a specialist Prevention Officer assessed psychiatric patients who may have a housing need.

The Local Authority outlined the other ways in which its service was designed to be accessible to people in hospital, victims of domestic abuse, those living in refuges, refugees & asylum seekers and prison leavers. It explained that it has a close working relationship with Shelter Cymru & Llamau. It also referred to a direct referral service and its Debt & Housing Teams who provided information about the various aspects of its service.

The Local Authority said that the details about review rights were included in all decision letters and a factsheet was also sent which provided an explanation of the various legal duties. The right of appeal was also communicated verbally where appropriate e.g. language barriers.

The Local Authority said that reviews were correctly administered, and the correct guidance followed. Following the completion of a review, a full report was produced by the Appeals Officer and forwarded to the Manager of the decision maker. The report included a feedback proforma and identified any reasons for the appeal outcome and recommendations, including suggestions for improvement. If there was a pattern of concern, any training needs were identified and analysed by management and forwarded to the training officer to arrange. Procedures and processes were updated to include any changes made. Additionally, yearly and quarterly

This example of improvement is encouraging and could represent an example of good practice for all local Authorities.

	<p>data was examined, and trends monitored. The Local Authority said to keep disruption to the applicant as minimal as possible and avoid any bureaucracy, it had a good working relationship with its partners including Shelter Cymru. If an appeal was avoidable, or not required, for example by re-assessing a case, a new assessment was completed as soon as possible.</p> <p>In response to COVID-19 access to homelessness services at the Local Authority was adapted to continue to provide a good quality of service to homeless clients. Most assessments were conducted via telephone, however in person assessments were available when needed.</p> <p>The Welsh Government's directive that all applicants were to be found in priority need during the pandemic led to less administrative requirement to source medical evidence from applicants. As most applicants were in priority need, there was a decrease in appeals against 'Not in Priority Need' decisions.</p> <p>There were no significant impacts on the review process during COVID-19.</p> <p>Overall, the use of telephone assessments was successful and enabled an improved journey for clients. One area of concern was that the clients may not be as forthcoming over the telephone in communicating personal information, whereas they may have felt more comfortable in a face-to-face setting.</p> <p>The Local Authority said that its processes regarding assessments and the right to review were robust and hold up to scrutiny. Additionally, independent advice was readily available from a range</p>	<p>The impact of COVID-19 on review requests will be considered as part of the proposed investigation.</p> <p>This example of a change in practice, and its impact in response to COVID-19 will be considered during the investigation.</p> <p>The Ombudsman acknowledges that Local Authorities are operating in a rapidly changing landscape in response to the</p>
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	<p>of organisations, including Shelter Cymru to help clients to challenge homeless assessments. The review process was carried out by independent officers who thoroughly review the case. Frequently new information was provided at that stage resulting in a change to the decision.</p> <p>The number of decisions that were overturned was not a sign of poor decision making but a sign that the review process was robust.</p> <p>The Local Authority said that it found it difficult to understand why this review is being prioritised at this difficult time.</p>	<p>COVID-19 pandemic. He is sympathetic to the pressure and challenges this presents; however, he has an operational duty as Ombudsman to contribute to public service improvement even in such times.</p>
<p>Housing Support Networks</p>	<p>COVID-19 and the associated public health implications dramatically changed the way homelessness assessments were carried out. Initially all Local Authorities moved to remote working via email and telephone, however some Local Authorities have since introduced a “skeleton team” so that face to face assessments can be undertaken. Prior to the pandemic, a number of Local Authorities were working above capacity. Since the pandemic some Local Authorities are finding that their caseloads have doubled.</p> <p>Local Authorities are constantly learning and looking to improve their service delivery, with many Local Authorities having an internal process to share learning from decisions. Whilst Local Authorities have developed a culture of reflection and a willingness to learn from previous experience, COVID-19 and higher caseloads make this practice harder to achieve.</p>	<p>The investigation will ensure that the increased workloads, efforts and actions of Local Authorities in response to COVID-19 are considered.</p> <p>Encouraging to see a culture of continuous learning and reflection. It is hoped that by taking a holistic approach to this matter PSOW can support Local Authorities in their drive for continued improvement through the identification of effective initiatives and good practice.</p>

The Local Authority Housing Support Network acts as a forum for discussing reasons for review and the decisions made to ensure that learning takes place across borders and practice is improved.

Since the start of the pandemic, the number of assessments and reviews have increased. It is becoming increasingly difficult to discharge any duties owed successfully as the supply of suitable settled accommodation diminishes and the needs of clients require additional support and specific accommodation. The ability of some people to sustain temporary accommodation has also been an issue and impacted the allocation of such accommodation as well as what to do when temporary accommodation placements broke down and public health measures dictated that people continue to be housed.

Many reviews have focussed on the suitability of temporary accommodation and its ability to meet COVID-19 safety standards, as well as the discharging of the temporary accommodation duties during a public health emergency. Reviews always take staff time away from operational matters and impact on the service that the Local Authority can deliver.

PSOW's proposed investigation is in the public interest and any introspection of the homelessness system is welcomed as any improvements that can be made will, in the long run, result in a better system for all. However, it is not the right time for such an investigation to take place. There has been, and continues to be, significant pressure on Housing Teams. Across the country, it has been reported that staff morale and stress levels are a very real issue, as officers try to navigate a broken housing system within which there are 3000 more households in temporary accommodation than before lockdown, very limited move-on

We acknowledge Local Authorities are operating in a rapidly changing landscape in response to the COVID-19 pandemic. We are aware of this and sympathetic to the pressure and challenges this presents. This investigation would be an opportunity to review tried and tested initiatives that may benefit other Local Authorities experiencing difficulties in some areas.

It is accepted that reviews are timely and can be difficult, however they are a valid and necessary part of any process to ensure that the services that are being delivered meet expected legislative obligations and service standards.

The Ombudsman acknowledges the unprecedented efforts made by local authorities in response to the COVID-19 pandemic. He is aware of the challenges faced by staff within the housing sector but is mindful of his operational duty as Ombudsman to contribute to public service improvement even in such times.

	<p>options and an increasingly shrinking number of options for temporary or emergency accommodation. The pressures are likely to increase on staff, with the planned end of the furlough scheme, increase in Universal Credit claimants, re-commencing possession proceedings/evictions and mortgage holidays ending. Carrying out such an investigation right now will be seen as being critical rather than constructive and will do much more harm than good to services and the individuals we are all keen to help.</p>	<p>The Ombudsman's Investigation Officers will be mindful of the time and resource pressures on local authorities during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
<p>Swansea Council</p>	<p>The Housing Options Team receive up to date training and have full regard to the associated guidance. The Local Authority attempts to intervene as early as possible to achieve a positive outcome. The Local Authority supports multi agency teamwork.</p> <p>Reviews are carried out by a senior member of Local Authority staff who was involved in the application previously. The reason for overturning a decision is fully explained to the responsible member of staff and any learning shared to ensure consistency, and identify any training needs or internal process reviews.</p> <p>At the start of the pandemic, the Housing Options office closed to members of the public, and the service was provided solely over the telephone/email. This had an impact on the rapport between the officer and the client. It can also make it difficult to identify if a client has support needs/vulnerabilities.</p> <p>Whilst all households homeless during the pandemic are deemed to be in priority need, they still require full enquiries/work to ensure the assessment accurately reflects the vulnerabilities of the applicant.</p>	<p>This example of reviews undertaken by a senior member of staff could represent an example of good practice for all local authorities.</p> <p>It is positive to note that despite the pandemic, access to services has not been compromised. However, it is disappointing to note that, for those who administer the service, it has had such an impact on the working relationships they have with clients.</p>

	<p>The Local Authority has found no real impact on the review process, which has not changed during the pandemic. The Local Authority was mindful that the right to request review continued during the pandemic and it continued to promote and support people accordingly.</p> <p>The Local Authority said that COVID-19 led to improved multi-agency working with new services and interventions being set up at a pace. However, whilst all those in temporary accommodation have been prioritised, the Local Authority is concerned about the impact on general housing applications.</p> <p>The Local Authority said that it does not think that this was the right time for the Ombudsman to undertake this investigation given the tremendous pressure on homelessness services at the moment. Welsh Government has ensured that all homeless households are considered to be in priority need, and the Local Authority remains centred on finding the right solution for each household.</p> <p>The Local Authority said that most challenges to decisions related to the reasonableness of the permanent offer of accommodation; this was usually about the location of the property. The Local Authority was satisfied that the low number of refusals of offers and challenges in that area was reflective of its consideration of all aspects of an applicant's support needs and flexibility in its approach to finding a solution.</p>	<p>Improvements in multi-agency working could represent an example of good practice for all local authorities.</p> <p>The Ombudsman's investigation officer will be mindful of the time and resource pressures on local authorities during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
<p>Newport City Council</p>	<p>During the pandemic, the Local Authority adapted its homelessness service provision to complete assessments remotely. The Local Authority saw a substantial increase in homelessness presentations but continued to meet its statutory obligations.</p>	

	<p>The Local Authority said that the additional review requests had increased the burden on the Local Authority during the pandemic as suitability of accommodation and Welsh Government guidance had resulted in conflicting information and challenges to move households on to permanent accommodation. Additional service demands and pressures on staff also resulted in an increased amount of time to process requests.</p> <p>The Local Authority supports staff development and constructive criticism was provided when reviews were overturned to ensure practice was improved and lessons learned. Complex cases were also discussed with the wider team to obtain insight and consistency.</p> <p>The Local Authority said that statutory service provision was very reactive during the pandemic and changed dramatically in a short space of time. All lessons learnt during the pandemic will inform future strategies and the delivery of statutory duties.</p> <p>The Local Authority said during the pandemic there was a 68% increase in both assessments conducted and those owed a duty to accommodation due to the changes to the vulnerability and priority need categories. This placed additional pressures on both staff and service provision.</p> <p>The Local Authority said that there was an increase in the number of reviews requested, particularly around suitability of accommodation. However, there was no additional capacity to conduct them as the officers were under pressure to adapt service delivery on an operational and strategic basis.</p>	<p>The impact of COVID-19 on the number of review requests will be considered as part of the proposed investigation.</p> <p>It is encouraging to note that the Local Authority is already considering future strategies based on what it has learned during the pandemic. This is good practice that may be shared with other Local Authorities.</p>
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	<p>The Local Authority said that the adaptation to remote working was positive and increased efficiency. Service user support needs were identified earlier and there had been positive outcomes from joint working.</p> <p>The Local Authority said that staff gave 110% to ensure statutory services were delivered but they were growing increasingly stressed and tired. A reduction in the amount of move on accommodation, complex needs and challenging behaviour contributed to emergency placements breaking down which directly conflicted with legislation and assistance owed. An increase in time spent completing reviews detracts from the delivery of the service to support those most vulnerable in society.</p> <p>The Local Authority said that the public would benefit from this investigation and any recommendations for improvement would be welcomed by the Local Authority to reduce the risk of a potential review requests and therefore time, effort and resources that could be spent on service delivery.</p> <p>The LA said that the timing of this investigation was not right as it was still dealing with an emergency situation and a public health crisis and it is concerned that additional pressure to comply with the investigation or accept criticism at this time would have a negative impact on staff and will not be constructive.</p>	<p>The changes to service provision and increased efficiency are examples of good practice that may be shared with Local Authorities.</p> <p>It is accepted that reviews are timely and can be difficult, however they are a valid and necessary part of any process to ensure that the services that are being delivered meet expected legislative obligations and service standards.</p> <p>The Ombudsman's Investigation Officers will be mindful of the time and resource pressures on LAs during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
<p>Shelter Cymru</p>	<p>Shelter said that, whilst it recognised that its casework was not a representative sample of everyone using the homelessness service in Wales, in its experience, assessments were not always carried out as they should be.</p>	

Historically there was evidence of inappropriate practices by some Local Authorities in the assessment of vulnerability and local connection. Additionally, some Local Authorities undertook informal assessments outside the statutory scheme which effectively deprived the applicant of their statutory rights.

Shelter Cymru found that information about an applicant's review right was not always included in the correspondence or was written in such a way that it was not easily understood. With many Council offices closed due to the pandemic, it was harder for those without a postal address to access correspondence. As a result, they were not provided with all of the necessary information, including details on the review rights. There were also examples of clients being told that there was no point requesting a review as the decision would be the same.

In its [report](#), Shelter Cymru made recommendations to encourage Local Authorities to share learning and best practice.

Shelter Cymru said that many Local Authorities were facing pressures on temporary accommodation which may be one reason why they were seeing elevated levels of gatekeeping in casework, and people being dissuaded from making homelessness applications.

Alternatively, when an assessment was made and a duty accepted, no accommodation was offered or only unsuitable accommodation, such as pods.

Shelter Cymru said that, at the outset of the pandemic, there was a huge effort by Local Authorities to get everyone off the street.

However, they were increasingly working with people who had been evicted from temporary accommodation and the Local Authorities state that there was nothing available for them. There were barriers to challenging this via judicial review due to the difficulties supporting applicants to engage with the process of providing bank statements for Legal Aid.

Shelter Cymru said that the switch to telephone-based assessments had a further impact, making it harder for Local Authorities officers to comprehend an applicants' complete circumstances, as people find it harder to communicate over the telephone.

Shelter Cymru said that the impact of the pandemic on the review process was variable across Wales. Whilst some areas saw reduced reviews, as more people were found to have priority need and fewer had duties discharged, others continued to receive high numbers of reviews. Shelter Cymru said that, during the pandemic, there was an increase in delays in responding to reviews, causing the process to take longer than 8 weeks. Shelter Cymru said that most reviews were due to the loss of temporary accommodation. Shelter Cymru added that was a further shift around the Local Authorities' willingness to accommodate pending review. These requests were being refused more often than was the case pre-COVID-19. This meant that more people were street homeless or sofa surfing during the eight-week review window.

Shelter Cymru strongly welcomed an independent investigation of these matters, including the identification of good practice developed during the pandemic. Homelessness assessments and reviews were not the subject of much scrutiny or investigation, yet they were experienced by people who were often at an extremely

	<p>vulnerable point in their lives. There were inefficiencies in the current system which, if addressed, would save public money as well as improve the experiences of people using services.</p>	
<p>Welsh Local Government Association</p>	<p>The impact of the pandemic on Local Authority homelessness and housing services has been dramatic and sustained. Many hundreds of additional individuals and households have been placed in emergency temporary accommodation across Wales. The ongoing resources required to manage this situation are considerable, along with finding appropriate move-on accommodation options and the support that these very vulnerable people need. Local Authorities are also seeing a significant increase in homelessness presentations from people who are often “homeless on the day” with little or no opportunity to carry out prevention work.</p> <p>Local Authorities and their partners are working extremely hard to meet the challenges of transforming homelessness services, sourcing additional accommodation and remodelling and/or replacing unsuitable emergency temporary accommodation. This work is supported by substantial funding from Welsh Government which must be utilised by the end of the current financial year, only 5 months away, adding to the ongoing pressure on Homelessness Teams.</p> <p>There are widespread concerns around the cumulative impact that the efforts required of staff in homelessness and support services have had over the last 8 months, and the negative affect this has had on staff welfare and resilience. Conducting the proposed investigation at this time will run the risk of adding further pressure to those members of staff. We would suggest that the investigation</p>	<p>The impact of COVID-19 on both applicants and Local Authorities will be taken into consideration during the investigation.</p> <p>The Ombudsman acknowledges the unprecedented efforts made Local Authorities in response to the COVID-19 pandemic and he is aware of the challenges faced by staff within the housing sector. However, he is also mindful of his operational duty as Ombudsman to contribute to public service improvement, particularly in such times.</p> <p>The proposed investigation will identify lessons that can be learned to help create a more equal wales for future generations.</p> <p>The Ombudsman’s Investigation Officers will be mindful of the time and resource pressures on Local Authorities during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>

	<p>is delayed until such time as the public health emergency has ended.</p>	
<p>CRISIS</p>	<p>Crisis said that there was evidence that the recent review of priority need was being used as a reason to gatekeep and turn applicants away before any meaningful assistance is offered.</p> <p>Crisis said that, throughout the pandemic, the additional government funding and guidance, coupled with the responses of Local Authorities and partners on a local level, demonstrated that the assessment process could be simplified for applicants and for Housing Options. Early indications from Crisis’ conversations with Local Authorities and providers in some areas in Wales suggest that changes to the assessment of vulnerability and application of priority need have allowed for a greater focus on problem-solving and meeting people’s individual needs, rather than processing and assessing entitlements. It suggested that reducing the complexity and conditionality of the pre-COVID-19 homelessness system could help deliver support to people facing homelessness. However, it was acknowledged that throughout the pandemic and pre-COVID-19 that pressures on the assessment process could informally influence the response of front-facing staff in Local Authorities.</p> <p>Crisis said that for some of those experiencing homelessness, accessing services remotely was challenging, particularly where they do not have access to adequate IT equipment. In addition, some may find communicating digitally to be challenging due to poor connectivity in some geographic areas.</p>	<p>The impact of adjustments made in response to Covid-19 for both applicants and Local Authorities will be taken into consideration during the investigation.</p>

	<p>Crisis said that there was much to learn from best practice – particularly during the pandemic – to ensure ongoing learning and sharing of best practice amongst Local Authorities.</p>	
<p>Isle of Anglesey County Borough Council</p>	<p>The Local Authority said that the need to keep both staff and members of the public safe during the pandemic had dramatically changed the way assessments were carried out.</p> <p>Reflective learning was embedded into the Local Authority’s culture. It will feedback learning from review decisions back into casework via team meetings, briefings and training sessions.</p> <p>The Local Authority said that since the introduction of lockdown measures at the end of March 2020, nearly all face to face casework had ceased, most assessments were now done via telephone, email or videocall.</p> <p>There was an increase in caseloads, with officers having twice the number of applications on their caseload than they did have prior to the pandemic. Additionally, there was an increase in the number of reviews, many of which focussed on the suitability of accommodation.</p> <p>The Local Authority said that its team had gone above and beyond to fulfil its duties during this difficult period. Whilst assessments had been carried out, it had become increasingly difficult to discharge any duties owed successfully, as the supply of suitable settled accommodation diminished and the needs of clients required additional support and specific accommodation. Additionally, the ability of some people to sustain temporary accommodation was also an issue and impacted the allocation of accommodation,</p>	<p>The impact of Covid-19 on the number of assessments and review requests will be considered as part of the proposed investigation</p> <p>The efforts and actions of Local Authorities in response to COVID-19 will be considered during the investigation.</p> <p>The Ombudsman acknowledges the unprecedented efforts made by Local Authorities in response to the COVID-19 pandemic. He is aware of the challenges faced by staff within the housing sector but is also mindful that he has an operational duty as Ombudsman to contribute to</p>

	<p>particularly when temporary accommodation placements broke down and public health measures dictated that people continued to be housed. Reviews always take staff time away from operational matters and impact on service delivery.</p> <p>The Local Authority said that any introspection of the homelessness system was welcomed as any improvements that could be made would, in the long run, result in a better system for all.</p> <p>The Local Authority said that now was not the right time for such an investigation to take place. Its Team was close to breaking point, having worked flat-out since the beginning of lockdown, and trying to navigate a broken housing system within which there were 40 more households in temporary accommodation than there were before the lockdown began, with very limited move-on options and an increasingly shrinking number of options for temporary or emergency accommodation.</p>	<p>public service improvement even in such times.</p> <p>The Ombudsman's Investigation Officers will be mindful of the time and resource pressures on Local Authorities during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
<p>Monmouthshire County Borough Council</p>	<p>The Local Authority said that review decisions were discussed with staff members to ensure due process was followed.</p> <p>The Local Authority said that the number of homelessness presentations had increased throughout the pandemic which placed additional pressure on the Duty Team to accommodate if homelessness cannot be prevented.</p> <p>The Local Authority had been challenged about the location of temporary accommodation, despite working hard to match a person to suitable accommodation.</p> <p>The Local Authority said that staff have worked hard to help people sustain their emergency accommodation in difficult circumstances.</p>	<p>The impact of COVID-19 on caseloads will be considered as part of the proposed investigation.</p>

	<p>The Authority continued to work ‘outside the box’ to find alternatives to evictions, which was labour intensive and had affected staff wellbeing.</p> <p>The Local Authority said that the lack of consequences due to anti-social behaviour had been a huge challenge for the Authority, as people have refused to move from bed and breakfast accommodation into temporary or even permanent accommodation. As a result, capacity had exceeded and the lack of permanent move on accommodation meant that people were in temporary accommodation for far longer.</p> <p>The Local Authority said that the timing of the investigation was not appropriate since officers were dealing with such high numbers and were under stress. The Local Authority said that, if the timing of this consultation could be delayed until further measures were introduced by Welsh Government to assist teams with the new way of working, the results would be far more "real", and staff would not be subjected to further pressures at a time when their roles have been really tested to perform.</p>	<p>Innovative thinking is encouraged and could represent an example of good practice for all Local Authorities.</p> <p>The Ombudsman acknowledges the unprecedented efforts made by Local Authorities in response to the COVID-19 pandemic. He is aware of the challenges faced by staff within the housing sector but is mindful of his operational duty as Ombudsman to contribute to public service improvement even in such times.</p> <p>The Ombudsman’s Investigation Officers will be mindful of the time and resource pressures on Local Authorities during the investigation and will ensure that proportionate and reasonable enquiries are made.</p>
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