

JURISDICTION : EQUAL OPPORTUNITY TRIBUNAL OF  
WESTERN AUSTRALIA

LOCATION : PERTH

CORAM : PRESIDENTT: MS P GILES  
MEMBER: MS L McGRATH  
MEMBER: DR C GILLGREN

HEARD : 30 & 31 AUGUST 2004

DELIVERED : 30 DECEMBER 2004

FILE NO/S : ET//2003-000032

BETWEEN : JAMES COLLARD  
Complainant

and

DEPARTMENT OF HOUSING & WORKS  
Respondent

*Catchwords:*

Equal Opportunity – impairment discrimination in provision of housing – application of  
Homeswest priority housing policy – "on the ground of" impairment – appropriate comparator –  
no evidence of casual link between impairment and less favourable treatment

*Legislation:*

Equal Opportunity Act 1984 (WA)

**Result:**

Complaint dismissed

**Representation:**

*Counsel:*

Applicant : Mr A Macdonald – Equal Opportunity Commission  
Respondent : Mr C Bydder – State Solicitor's Office

**Case(s) referred to in judgment(s):**

Nil

**Cases(s) also cited:**

IW v City of Perth (1996) 191 CLR 1  
Purvis (on behalf of Hoggan) v New South Wales (Department of Education and Training) and  
Another 202 ALR 133

## REASONS FOR DECISION

1           Mr Collard has brought a complaint against the State Housing Commission ("Homeswest") alleging discrimination in the provision of housing on the ground of impairment.

### **Factual background to the complaint**

2           The facts in this case are not contested.

3           Mr Collard was born in Western Australia. He is of Aboriginal descent. He has two children, born in 1981 and 1986. He has always cared for his two children as a sole parent. Prior to the events leading up to this complaint, he and his children lived in South Australia. They lived in a home provided by an Aboriginal housing corporation. He and his children lived in the same house for 15 years. He was employed as an Aboriginal Education Worker by the South Australian Department of Education.

4           Mr Collard suffers from hypertension, and has long-standing diabetes. He had a motor vehicle accident in 1999, resulting in injuries to his back, neck and legs and the onset of depression.

5           In December 2000, Mr Collard returned from South Australia and moved in with his elderly parents who lived in a 3 bedroom house in Gosnells. (His father has since died.) Mr Collard slept on a temporary bed in the lounge room, while his daughter and son slept in a bedroom. His sister also lived there. It was crowded, and he felt like he was living in a "*little box*".

6           This situation was highly unsatisfactory for Mr Collard and his children. If anyone came over to visit, he had to pack up his bed things. He had always been independent of his family as an adult, and there were disputes between himself and his parents because the house was so crowded. He and his children needed more room.

7           He did not look for private accommodation. Because he is Aboriginal he believed he would be unsuccessful in renting a private house. He had never actually tried to gain access to private rental accommodation because of the bad experiences of Aboriginal friends and family members. "*It's just like a lot of Aboriginal people they don't want to --- they know what the outcome is going to be before they go there basically.*" He had encountered much racism in his life, including growing up in a small country town where racism was "*very rampant*".

8           He applied to Homeswest for housing, and was listed on a "wait-turn" basis, which means that his application was approved, but he was put on a

waiting list. The waiting list at the time required most applicants to wait between 4 - 5 years before being allocated a 3 bedroom house.

9 In August 2001, Mr Collard applied to the Respondent for priority housing assistance. If successful, Homeswest aims to give an applicant for Priority Assistance a house within 75 days, although the wait could be longer depending on the availability of housing stock. Applicants for priority assistance must demonstrate an urgent need for housing and an inability to rent a house privately. Mr Collard's letter was accompanied by a letter from his general practitioner, Dr Krishnan, in support of his application.

10 Mr Collard was interviewed by an officer of Homeswest, Ms Davina Kickett. Unfortunately, Ms Kickett is a relation of Mr Collard, being related to his mother. He was quite surprised to have a relative interview him. He had little recollection of the interview, but he did recall telling Ms Kickett about his medical conditions. He recalled she mentioned Bond Assistance as an option.

11 Mr Collard's application for priority housing was refused, because he had failed to demonstrate to Homeswest that he had "tested" the private market, by seeking private rental accommodation. This decision was reviewed and affirmed by another Homeswest officer.

12 In January 2002, Mr Collard applied again for priority assistance. A number of reports from doctors and a physiotherapist relating to his motor vehicle application accompanied his application. This second application was declined by Homeswest, on the same grounds as the first application.

13 In February 2002, Mr Collard appealed against the decision of January 2002, to Homeswest's Regional Appeals Committee. The Appeals Committee had all the information provided previously, plus a letter from the principal of the high school attended by Mr Collard's daughter.

14 In March 2002, the Appeals Committee upheld his appeal, finding that Mr Collard would find it extremely difficult to rent private accommodation.

15 In April 2002, Mr Collard was placed on the Homeswest priority housing list, and he was allocated a house in August 2002.

### **The Allegations**

16 In his complaint, Mr Collard alleged that Homeswest officers:-

- (a) failed, refused or were not capable of properly considering the medical evidence supporting his two original applications for priority assistance;

- (b) formed their own view that the Complainant's impairments were not of a nature, or sufficiently serious in nature, to prevent him from looking into, or gaining access to, alternative accommodation including remaining with his parents;
- (c) would have, in the same circumstances, approved priority assistance to an applicant whose impairments were considered, on whatever basis, to be sufficiently serious or disabling, such that access to alternative accommodation was not possible;
- (d) made a decision that was in complete contrast to the decision made by the Regional Appeals Committee, which found, on the same materials, that the Complainant would find it extremely difficult to access other accommodation options.

17 Mr Collard is seeking compensations for hurt and humiliation, loss of confidence and feelings of anguish and anxiety, being required to continue to reside at his parents' house under unacceptable conditions and depression.

#### Evidence for the Complainant

18 Much of the Complainant's evidence is set out above under the heading of "Background to the complaint" and is not repeated.

19 Dr Krishnan, Mr Collard's general practitioner gave evidence. She said Mr Collard's diabetes was poorly controlled, leading to tiredness and exhaustion. She described this as a "*multi-system*" progressive disease, affecting the heart, eyes, the vascular system, and being associated with depression and coronary vascular disease. Mr Collard has hyperlipidaemia (high cholesterol level) and pain resulting from the motor vehicle accident. In her view, these were "*fairly gross medical problems.*"

20 Dr Krishnan knows Mr Collard's family, and visited the family home when Mr Collard was living there. She described him "*living in the loungeroom*" with no privacy and no comfort. All of the family, including Mr Collard's father, mother and sister, had medical conditions.

21 Over time, and particularly after Mr Collard's priority housing applications were rejected, she saw him becoming more depressed and dejected. His various conditions worsened. He was in her view in a "*desperate situation*". She believed that the overcrowding and lack of privacy exacerbated his various conditions.

22 Dr Krishnan was of the view that Mr Collard's depression, when combined with his other medical conditions may well have prevented him from looking for private accommodation. He had been extremely depressed,

and this together with his physical problems, would be overwhelming. She had found it difficult to motivate Mr Collard to the point that he would even go out for a walk. In her view, the effort required to deal with real estate agents would probably be beyond him, particularly in light of the hostile reception she believed he would get as an Aboriginal person.

23 On 11 August 2001 she wrote a letter to the Regional Manager of Homeswest in Armadale, in support of Mr Collard's application for priority housing. In it she said as follows:-

*"Mr Collard requires urgent Homeswest housing for Medical Reasons. Since moving from Adelaide he has been living with his elderly parents who suffer from multiple medical conditions. Mr Collard himself has multiple medical conditions, some of which include Diabetes Mellitus, Hypertension, Hyperlipidaemia and Depression. He was involved in a motor vehicle accident and suffers from chronic back and neck pain. His younger daughter Mavis attends the local high school and she has also been treated for a medical condition.*

*Mr Collard is trying his best to improve his health. It is important that he lives in supportive and less stressful environment. He would like a three-bedroom house in the Gosnells/~~Armadale~~ area. The house should have adequate heating, security and good floor covering.*

*Mr Collard and his family's health are being endangered by his housing situation. Stable and appropriate housing is essential for their future health and well being. They are quite likely to suffer adverse medical consequences, if they are not housed soon."*

(The word "Armadale" in the letter is struck through.)

24 Dr Krishnan told the Tribunal that she thought that Homeswest officers gave insufficient attention to conditions such as diabetes and hyperlipidaemia, even though these conditions could be life threatening, and were exacerbated by living in overcrowded accommodation.

#### **Evidence called by Homeswest**

25 Ms Branch is the Armadale Area Manager for Homeswest, having held this position for 6 years. She has worked for Homeswest for 20 years.

26 She is very experienced in dealing with priority housing applications. She has worked as a Customer Service Officer, and managed a wait-turn housing list for 4 -5 years. As an Area Manager, she frequently reviews the decisions of other officers.

- 27 She explained to the Tribunal that applicants for priority housing must demonstrate that public housing is their only option. That is, that they can not be accommodated by family, friends, or in the private rental market. This could be demonstrated by the applicant's own experience in alternative living arrangements, letters of support from medical practitioners and other professionals advising about any housing-related medical conditions suffered by the applicant, and other information.
- 28 She said the usual procedure was for the Homeswest officer to explain to applicants to gather evidence concerning their inability to gain housing in the private sector. She believed that it was up to the applicant to show his or her case. Evidence in the form of letters from doctors and other professionals would also need to be considered. Such material could include advice concerning the inability of the applicant to utilize alternative accommodation arrangements.
- 29 She said that when an application was supported by medical evidence, such as a doctor's letter, the contents of the letter were usually accepted at face value and not questioned. She agreed that in the case of an obvious disability (such as the applicant being confined to a wheelchair) it was not necessary to rely so heavily on medical evidence.
- 30 An Occupational Therapist is employed by Homeswest Regional Offices who can give advice on the particular needs of persons with particular disabilities, in order that these individuals are allocated appropriate accommodation.
- 31 Ms Branch agreed with the view of the decision-making officer, Ms Kickett, that there was no evidence that Mr Collard had made any effort to gain housing in the private market, and that this disintitiled him from priority housing.
- 32 Ms Branch said that even though seeking private accommodation might be an intimidating experience for Aboriginal people, she would still advise all applicants to at least try to access the private market. However, she understood the reluctance of Aboriginal people to do so.
- 33 She said there are two agencies in the Armadale/Gosnells area which assist Aboriginal people to gain access to the private rental market.
- 34 If a decision was made adverse to an applicant, that applicant is provided with a copy of the policy, and information about the appeals mechanism.
- 35 Ms Davina Kickett gave evidence. At the time of the hearing she was Aboriginal Housing Project Manager with the Aboriginal Housing Corporation. At the time of the relevant events, she was a Customer Service

Officer with Homeswest. Her duties were to serve customers at the counter, conduct priority interviews, and work as a cashier.

36 She conducted the interview with Mr Collard on 27 August 2001 to consider his first priority housing application. She said the usual procedure was to request evidence to demonstrate that the applicant had investigated housing options other than Homeswest. She would also look at any former history the applicant had with Homeswest, how many people were living in the current property being lived in by the applicant, and document the reasons for priority. She would take all the evidence into account including financial need, medical need and homelessness, and make a decision in accordance with the policy on priority housing.

37 She said in order to qualify, the applicant must demonstrate an attempt to utilize all other options in the private rental market, as well as medical need. She was sure that she had asked Mr Collard about his attempts to gain access to the private rental market.

38 Her recollection is supported by the Homeswest form completed during the interview. Under the question "Has the Applicant sought private rental?" a box next to the word "No" is ticked with the words written "Financially unable to locate private rental".

39 Under the heading "Applicants reason for requesting priority" Ms Kickett wrote:-

*"One of the reasons is needing accommodation in a hurry due to medical and overcrowding reasons. Needs own privacy and children need there (sic) own rooms. Due to car accident suffers with neck and back pain. Currently waiting on insurance company. Would also like to be close near parents as helps out were (sic) possible."*

40 She said that Homeswest officers exercise common sense in assessing the criteria regarding private rental accommodation. For example someone in a wheelchair would probably find it difficult to find an appropriately designed private rental house. But generally it depended on the evidence provided by the applicant.

41 She had accepted the contents of Dr Krishnan's letter as being correct. Under "Medical Conditions" on the form she wrote that Mr Collard's daughter and son suffered from various conditions, and in respect of Mr Collard wrote "see support letter". However, Mr Collard had not attempted to demonstrate that he was unable to secure private rental accommodation. Bond Assistance would have been available to him, and would have been approved within 24 hours.

42 At the conclusion of the form, Ms Kickett wrote:-

*“Priority assistance declined.*

*Client has other options available to him. Recommend applying for Bond Assistance.”*

43 She had no further involvement with Mr Collard’s application after refusing his application for priority housing.

44 Ms Antonia Segers gave evidence. She is currently a Homeswest Bond Recovery officer. In 2001, she worked for Homeswest as a Records Officer and Customer Service Officer at the Armadale office. Her job was to process new applications. She was also involved in assisting other officers in the assessment of priority housing applications.

45 She made the decision in Mr Collard’s priority housing application on 21 January 2002. She was of the view that the decision had been made in accordance with the Homeswest policy.

46 Her view was that to support an application for priority housing, any medical condition had to actually hamper the applicant’s ability to gain access to private rental accommodation. She explained it as follows: \_

*“At that time I assessed that the medical conditions brought forward were not hindering Mr Collard in accessing the private rental market, particularly with supporting family members, and that there was no proof that he had actually applied for rental housing and had been declined.”*

47 No member of the Appeals Committee gave evidence. However, the Tribunal had the documents which were before the Committee, and its decision.

48 The Committee had all the information available to Ms Kickett and Ms Segers, but also had a letter from the school principal of the school where Mr Collard’s daughter was enrolled. This letter pointed out that she was arriving late to school and was missing out on learning time, did not complete her homework due to overcrowding at home and was showing signs of being unsettled, including being withdrawn and non-communicative.

49 The Appeals Committee Decision noted that in presenting his appeal, Mr Collard had:-

*“Reiterated what doctors certificates had said and questioned policy conditions in relation to medical grounds. Currently living/sharing a 3 bedroom house with parents and other family. Currently appellant is sleeping on the floor. Appellant has not*



*attempted to utilize bond assistance due to his extensive medical conditions/Aboriginality and additional expense. Currently persuing (sic) a motor vehicle claim for his medical condition."*

50 It upholding the appeal, the Committee said:-

*"Appellant has extensive medical conditions that would make it extremely difficult to progress private accommodation. The Appellant is attempting to support his daughter in her studies."*

51 The Tribunal was provided with extracts from the Homeswest policy manual. They consisted of a general statement of policy entitled "Priority Assistance Policy" and a document which set out information in two columns, one entitled "Policy" and the other entitled "Guidelines and Practices".

52 Some salient points of the Priority Assistance Policy are:-

***"Preamble***

*Homeswest generally allocates housing to applicants in the order in which they apply. This queue order is termed the waiting list. How long an applicant will wait depends upon the area and type of accommodation required. Waiting times vary in different areas and for different accommodation types within the same area, depending on the demand from applicants and the amount of rental stock which Homeswest maintains in a given area.*

*An applicant with an urgent housing need which cannot be met by waiting for an offer of accommodation through the usual wait turn process may make application for assistance on a priority basis. This means that they by-pass the wait turn process and will be offered accommodation as soon as possible, after approval has been granted depending on the applicants special needs.....*

***Assessment of a priority application***

*In assessing an Applicant's priority housing need, consideration should be given to other housing alternatives available to the Applicant are considered (sic). In some situations the use of a Ministry Housing Loan (HAL) to assist in securing private rental premises may be considered an alternative option to priority assistance. In the case of large families or Applicants with special needs it is acknowledged that HAL and private rental is not necessarily an alternative. Other options which may be considered viable are sharing with friends or relatives whilst awaiting an offer of accommodation.....*

*Examples of situations which may contribute to an urgent housing need include medical conditions in which the medical condition is being caused or aggravated by the applicants existing housing, domestic violence and racial harassment. Any claims must be substantiated by documentation from medical practitioners or community or governmental agencies."*

53 The second document, which sets out the policy along with guidelines and practices contains under the heading "Policy" the following:-

*"An applicant for priority assistance must be eligible for assistance in relation to all Homeswest's eligibility criteria, but have an urgent housing need and no other viable housing options, but public rental housing"*

54 Next to this statement of policy, under "Guidelines and Practices" the following appears:-

*"Examples:*

- *Medical condition which is being caused or aggravated by applicant's existing housing.*
- *Medical condition urgently requiring treatment not available in the area where the applicant currently resides and where there is no reasonable access to public transport*
- *.....*
- *Homelessness (Definition – as per the Homeswest Taskforce)*

*Primary – someone sleeping rough i.e. in the park, under bridges is considered grounds for priority assistance.*

*Secondary are those in crisis accommodation or staying with friends/relatives. Tertiary where people are living in insecure accommodation such as boarding houses, caravan parks or rooming houses. ( Secondary and Tertiary homelessness are considered as part of the priority assessment process)."*

## Discrimination on the ground of impairment in accommodation

55           Discrimination on the ground of impairment is made unlawful by Part IVA of the *Equal Opportunity Act, 1984 (WA)* (“the Act”). That Part of the Act prohibits discrimination on the ground of impairment in work, education, access to places and vehicles, the provision of goods services and facilities, sport, accommodation, clubs and superannuation.

56           The word “impairment” in the Act has a very broad meaning. There is no doubt, and Homeswest does not contest the fact, that Mr Collard suffers from a number of conditions, including high blood pressure, diabetes and depression, which constitute impairments within the meaning of the Act.

57           Discrimination on the ground of impairment is defined in s66A as follows:-

*“(1) For the purposes of this Act, a person (in this subsection referred to as the “discriminator”) discriminates against another person (in this subsection referred to as the “aggrieved person”) on the ground of impairment if, on the ground of—*

- (a) the impairment of the aggrieved person;*
- (b) a characteristic that appertains generally to persons having the same impairment as the aggrieved person;*
- (c) a characteristic that is generally imputed to persons having the same impairment as the aggrieved person; or*
- (d) a requirement that the aggrieved person be accompanied by or in possession of any palliative device in respect of that person’s impairment*

*the discriminator treats the aggrieved person less favourably than in the same circumstances, or in circumstances that are not materially different, the discriminator treats or would treat a person who does not have such an impairment.”*

58           One important aspect of this definition, is that the aggrieved person must prove that he or she has been treated less favourably “on the ground of” his or her impairment. The words “on the ground of” mean “because of”. The person’s impairment must be a real, substantial and proximate cause of the less favourable treatment.

59 As indicated above, discrimination in the provision of accommodation  
is unlawful.

60 This is provided for in s66L, which provides that

*“(1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person’s impairment –*

*(a) by refusing the other person’s application for accommodation;*

*(b) in the terms or conditions on which accommodation is offered to the other person; or*

*(c) by deferring the other person’s application for accommodation or according to the other person a lower order or precedence in any list of applicants for that accommodation.*

*(2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person’s impairment –*

*(a) by denying the other person access, or limiting the other person’s access, to any benefit associated with accommodation occupied by the other person;*

*(b) by evicting the other person from accommodation occupied by the other person;*

*(c) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person;*

.....

61 Section 66L(2) then goes on to deal with subjects irrelevant to this  
complaint.

62 In order to substantiate a complaint of discrimination in the area of  
housing, an aggrieved person first must show that all the elements of s66A  
are made out.

### **Conclusions of the Tribunal**

63 As observed above, the definition of disability discrimination in s66A  
requires that the less favourable treatment be on the ground of the person’s

impairment. In accordance with s5 of the Act, the impairment does not have to be the only reason for the less favourable treatment in order to establish discrimination, but it must be at least one reason for the less favourable treatment.

64 Mr Bydder for Homeswest argued that there was no evidence that either of the two relevant decisions were made on the ground of Mr Collard's impairment. In fact, Mr Collard's impairments assisted his application in the sense that their existence increased his chances of gaining priority housing assistance, but he was disentitled because of other factors.

65 Mr Macdonald, counsel for Mr Collard, put his case this way:-

*"If you do a direct comparison of the ...of Mr Collard with the hypothetical disabled comparator with the more extreme physical disabilities and implant him into the same circumstances as Mr Collard what would the result have been? We would say that there's an inescapable inference that that would have been the thing that would have swung that person's decision in favour of priority assistance. That is, that if you consider all of the other circumstances – Aboriginality, overcrowding, care for dependants, and such like – you change the nature of Mr Collard's disability, you put him in that circumstance, the decision would have been different."*

66 While this submission refers to the comparison which is necessary under s66A, it also goes to the question of whether the relevant decisions were on the ground of Mr Collard's impairment. If indeed the evidence revealed that he had been denied priority housing because of the nature of his impairments, which could be revealed by a comparison with persons with different types of impairments, then the causation test might be satisfied.

67 As Mr Macdonald told the Tribunal, there were no decided cases he could locate in which this approach had been adopted. That is, there was no authority which sanctioned the notion of comparing the aggrieved person with a person who has another type of impairment, such as an impairment which is obvious to a casual observer, in order to test whether the decision was made "on the ground of" the aggrieved person's impairment.

68 However, in this case, the facts that emerged during the hearing, do not support either the more traditional approach, or that urged by Mr Macdonald.

69 In this case, there were two relevant decisions. The first decision was that made by Ms Kickett on 27 August 2001 not to grant Mr Collard a place on the priority housing list.

70 The second decision was made by Ms Segers on 21 January 2002 to again deny Mr Collard a place on the priority housing list.

71 Both of these decisions and in particular that of Ms Kickett resulted in several months elapsing before Mr Collard was placed on the priority housing list.

72 In the decision made by Ms Kickett on 27 August 2001, she considered the letter of support from Dr Krishnan containing evidence about Mr Collard's impairments. She said she took this information into account. However, she considered herself to be bound by Homeswest policy which in her view had an overarching requirement that the applicant must demonstrate an attempt to rent private accommodation. There is no evidence that she would have made a different decision had Mr Collard had no impairment. Nor is there evidence that her decision would have been different had Mr Collard been suffering from a more obvious impairment, such as a missing limb, or was confined to a wheelchair.

73 She clearly felt her hands were tied because of the failure of Mr Collard to show her that he had exhausted all other housing options.

74 The same occurred when Ms Segers assessed Mr Collard's application in January 2002. She had a good deal more medical information concerning Mr Collard's impairments, and in particular, the physical effects upon him of his motor vehicle accident in 1999. She reached the same conclusion as Ms Kickett, for the same reasons. Again, there is simply no evidence that she would have made a decision differently if Mr Collard had suffered from no impairment, more obvious impairments, or different impairments.

#### **Comments on other aspects of the evidence**

75 In support of his argument, Mr Collard pointed to the fact that the Appeals Committee overturned the previous decisions and granted him a place on the priority housing list. The Tribunal does not consider this constitutes evidence of unlawful discrimination.

76 The Equal Opportunity Tribunal is not a general administrative review mechanism. It can only consider whether discrimination has occurred which contravenes the Act. Whether the initial decisions of Mr Kickett and Ms Segers were wrong on other grounds is not a matter for the Tribunal.

77 Moreover, the fact that the initial decisions were reversed by the Appeals Committee is not in itself evidence that the initial decisions were wrong. The Appeals Committee had available to it a very strong letter from the principal of Mr Collard's daughter's school, which provided it with additional information concerning the inadequacy of his current housing

arrangements. Homeswest policy places a particular emphasis on the welfare of children in priority housing applications.

78 There were two aspects of the evidence in this case which the Tribunal does wish to point out to Homeswest, even though they did not influence its ultimate decision.

79 Firstly, the front-line Homeswest officers in this case appeared to require quite rigorous evidence from Mr Collard of his attempts to find a private rental house, despite them acknowledging the difficulties he would experience doing so as an Aboriginal person. The Regional Appeals Committee on the other hand appeared to take a more flexible and realistic approach to this requirement. This apparent dissonance in approach may be something that Homeswest may wish to address.

80 Secondly, some of the Homeswest officers who gave evidence took the view that if the application was on medical grounds, the medical condition itself must "hinder or hamper" the person's ability to gain access to private rental accommodation.

81 With the greatest of respect to these officers, who perform a demanding role in difficult circumstances, this approach does not appear to be reflected in the written policy.

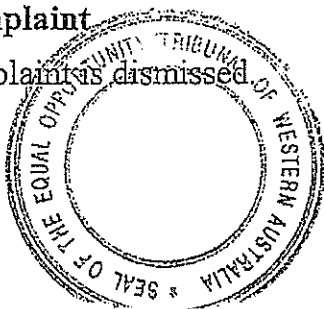
82 The policy certainly does require that the medical condition be "caused or aggravated by (the) applicant's existing housing." However, nowhere in the policy that the Tribunal was provided with is there a requirement that the medical condition itself should impede the obtaining of private accommodation.

83 The Tribunal can well understand front-line Homeswest officers taking a firm approach to application of the priority housing policy, because of the pressure on housing stock and the lengthy waiting times for priority housing and housing on the wait-turn list.

84 However, on the Tribunal's reading of the policy, it is intended to take a relatively flexible and practical approach to the circumstances of housing applicants. This additional "gloss" adopted by counter staff of Homeswest could well be going a good deal further than is intended by the written policy.

#### Outcome of the complaint

85 The complaint is dismissed.



*[Handwritten signature]*  
30/12/07

