

## SPSO decision report

**Case:** 201002396, A Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

Mr C, who has a history of physical and mental health conditions, was in prison outside Scotland. On release, he travelled to Scotland, where he approached a council for assistance with homelessness and housing issues. A few weeks after he arrived, Mr C was arrested and sent to prison. He was released from the prison on licence around a year later. Mr C's licence was revoked within a few weeks and he was returned to prison. Mr C complained that the council unreasonably failed to comply with their statutory and procedural responsibilities for housing him, in the lead up to and after his release from prison.

We found from the evidence that the council did not know that Mr C was due to arrive in Scotland, and we did not find any failings by the council in the lead up to his first release. Neither did we find any failings in their handling of Mr C's application for more permanent housing on his first release. In addition, we did not find any failings in how the council dealt with Mr C's homelessness and housing situation in the lead up to, and following, his second release.

However, we did uphold Mr C's complaint about how the council dealt with his homelessness situation after his first release. They had a duty to identify accommodation that was appropriate to Mr C's needs. They had to do so reasonably, and in line with relevant legislation and guidance. In our view, their actions were unacceptable, as the temporary accommodation was unsuitable. It also appeared that council staff were confused about how to deal with Mr C's case; there was a contradiction between council records and the view of a GP who specialises in dealing with people who are homeless, and there was delay in processing Mr C's homelessness application. We made recommendations to address the failings identified.

### Recommendations

We recommended that the council:

- apologise to Mr C for failing to deal with his homelessness situation appropriately;
- provide us with an outline of how they would deal with a similar situation in future, to ensure that the same failings are not repeated; and
- ensure that records of contact with homelessness practice GPs accurately note their comments about applicants, ideally supported with a written statement from the GP.