

SPSO decision report

Case: 201100620, Aberdeenshire Council
Sector: local government
Subject: homeless person issues
Outcome: not upheld, no recommendations

Summary

Mr C (a solicitor) complained on behalf of his clients that the council had accepted hearsay evidence in deciding that his clients were intentionally homeless. He further complained that the council's failure to tell his clients what information they had considered in coming to their decision was unreasonable, as it meant his clients were not able to refute it. Mr C also said that the decision was made by staff members connected to his client's ex-wife who worked in the office where the decision on his homeless status was made.

We found that Mr C's complaint about accepting hearsay evidence in coming to the decision was outwith our jurisdiction. This is because the SPSO Act says that the Ombudsman is not entitled to question a decision taken without maladministration. We found that this element of complaint was about the fact that Mr C's clients disagreed with the decision, rather than that the council had done anything wrong. We did not uphold Mr C's complaint that the council failed to tell his clients what information had been considered in coming to the decision, as we decided that they had acted in line with Scottish Government guidance on homelessness. The complaint in connection with Mr C's client's wife was found to be premature as he had not yet put that point to the council or completed their complaints process.