

SPSO decision report

Case: 201004828, West Lothian Council
Sector: local government
Subject: finance - housing benefit and council tax benefit
Outcome: some upheld, recommendations

Summary

Mrs C owns a property that is leased to a council tenant by a letting agent.

Mrs C complained that there was an unreasonable delay by the council to act on her agents' request to make a direct payment of local housing allowance to them, not her tenant, because the tenant had rent arrears. Mrs C complained about the council's communication with her agents. She also complained about a failure to respond to her request to send the case to appeal, and to handle her complaint in accordance with the council's complaints procedure.

We upheld most of Mrs C's complaints. Our investigation found that the council had delayed in taking action to pay Mrs C's letting agents direct, combined with a failure to respond to her letting agents' enquiries when the payment was not made. When they responded to Mrs C's complaint, the council had already accepted that there was a failure to respond to the letting agents' correspondence and to provide advice about the appeal procedure in the decision notice. There was also evidence that the council did not meet their customer care standards in the handling of Mrs C's formal complaint. We did not, however, find that anything had gone wrong in respect of Mrs C's request for an appeal, as although she was told about her right of appeal, no request was received from her or anyone acting on her behalf.

Recommendations

We recommended that the council:

- make a payment to Mrs C; and
- take steps to ensure that their procedures, and notices issued to landlords about appeal procedures, comply with the housing benefit regulations and Department of Works and Pensions' good practice guidance.