

SPSO decision report

Case: 201204108, The City of Edinburgh Council
Sector: local government
Subject: local housing allowance and council tax benefit
Outcome: some upheld, recommendations

Summary

Mr C, who is a landlord, complained that the council delayed in processing housing benefit applications for two of his tenants. As a result of this delay, and in particular their request to pay their rent direct to their landlord, Mr C said that the tenants gave up the lease. He also complained that, although the council had discretion to pay a landlord direct, they were failing to exercise this.

Our investigation established that the council had failed to correctly process the benefit claims. The council said that this was not due to a process failure, but provided no evidence to confirm that the handling of the applications followed a set practice or procedure. We did not find that the council had failed to pay rent directly to Mr C, as he had received payment, but we made recommendations for process improvements.

Mr C's complaint that the council had unreasonably delayed in making payment to the tenants was borne out by the evidence. The legislation for payment of housing benefit requires the first payment to be made within 14 days of receipt of the claim, or if not reasonably practical, as soon as possible thereafter. In this case, the first payment to the landlord was made seven weeks after one of the tenants applied. As the reasons for the delay were not made clear, we upheld the complaint but made no recommendation because the council had already apologised to Mr C.

Recommendations

We recommended that the council:

- review their practices and procedures for processing applications for housing benefit; and
- review the handling of applications where a direct payment to a landlord is requested by a tenant, landlord or agent and consider the use of a dedicated form for a request for direct payment of rent.