

## SPSO decision report

**Case:** 201300602, 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, said that he told the council in March 2012 that his tenant, who was in receipt of housing benefit, had not paid his rent and asked them to intervene in this. He complained that the council failed to take action, and did not deal properly with his correspondence and complaints.

We did not uphold his complaint that the council failed to act in March 2012, as Mr C was unable to provide us with any evidence that he had been in touch with them about this then. The first evidence of contact was in June 2012, when he sent them an email about it. The council said that this was when he first brought the issue to their attention. Despite extensive enquiries, we did not find any documentary evidence that Mr C contacted the council earlier than this, so we were unable to conclude that they failed to take appropriate action.

We did, however, uphold his complaint about correspondence and complaints handling. The evidence showed that Mr C contacted the council on numerous occasions over an 11-month period with his concerns about his tenant and communicated with various teams in the revenue and benefits department. In general, the council did respond to his communications. However, we were critical of them for failing to confirm their understanding of his concerns with him at an early stage and for failing to explain the services the different parts of the council could provide. They also did not advise Mr C of the outcome of their initial investigation when he asked that they start to make housing benefit payments directly to him, as landlord, and of any right of appeal against this decision. Mr C's first formal complaint was not considered appropriately under the council's complaints procedure and he was not advised how to escalate his complaint. There was also an unreasonable delay of two months in responding to a letter from Mr C's MSP and the council did not send updates or explain the delay.

### Recommendations

We recommended that the council:

- ensure that they advise a landlord requesting a review of a housing benefit decision of the outcome of the review and of any statutory right of appeal;
- ensure that staff deal with formal complaints under the council's complaints procedure appropriately and advise complainants how to escalate their complaint, should they remain dissatisfied;
- consider making a payment to Mr C of an amount equivalent to the June 2012 housing benefit payment; and
- provide Mr C with a written apology for the failings identified in this case.