

SPSO decision report

Case: 201400588, Falkirk Council
Sector: local government
Subject: local housing allowance and council tax benefit
Outcome: upheld, recommendations

Summary

Mr C complained to us about the council's handling of his tenant's application for Local Housing Allowance (LHA). There were significant delays in the processing of the application, and Mr C completed a form to ensure that the first payment was made directly to him. However, a computer system fault meant that the first payment went directly to the tenant's bank account, instead of to Mr C. When Mr C asked the council about what was happening, the system fault was identified. It also appeared that the council had inappropriately made a second payment to the tenant.

While the council were responding to Mr C's complaint, they provided varying explanations about the second payment, but eventually provided payment of this smaller sum to Mr C. However, they said that they were unable to pay Mr C the first payment, as this payment had already been made to the tenant, and it was Mr C's responsibility to seek payment from his tenant.

We found that the council delayed in processing the application, and there were then faults with the payment system. We found that it would have been reasonable for the council to make the first payment directly to Mr C, but they should have confirmed with the tenant that he had not already paid any rent for this period.

We were also critical of the council's handling of Mr C's complaint. They did not identify the complaint appropriately, or respond within their stated timescales. They also did not tell Mr C why the investigation was taking longer or when he could expect a response. We also identified failures with the way the council responded to the complaint, giving Mr C inconsistent information.

Recommendations

We recommended that the council:

- pay the cost of the first payment which was sent in error to the tenant;
- apologise to Mr C for the errors in handling the tenant's LHA application, and for the time and effort involved in this complaint; and
- review the need for the staff involved in processing LHA applications to receive training in complaints handling.