

SPSO decision report

Case: 201405722, Comhairle nan Eilean Siar
Sector: local government
Subject: local housing allowance and council tax benefit
Outcome: upheld, recommendations

Summary

Miss C complained that the council had failed to provide her with a reasonable explanation about the overpayment to her of housing benefit, and unreasonably delayed in processing the change relating to the end of her childcare costs.

Following our investigation of Miss C's complaint, we found that she was entitled to a statutory right of appeal if she considered that the decision notices she received were incorrect, so we were unable to address whether the council's re-calculation of her benefit claims had been properly undertaken. However, we looked at her complaint to us about administrative fault and found that the council had responded appropriately to her concerns about how the overpayment arose, but upheld her complaint because the council's decision notices had not provided a reasonable explanation about the overpayment. The council had recognised she was not provided with a lot of detail, and told her that revision of the decision notice was under review. We were satisfied that the improvement planned would provide a satisfactory outcome to her complaint. However, we made recommendations for improvements in the process (inclusion in the final letter in the complaints procedure to the claimant's statutory right of appeal to a tribunal, and additional information in the planned revised decision notice to 'time' in the right to apply for a revision of the decision by the council or appeal).

We also upheld Miss C's complaint that there had been a period of delay in processing the change relating to the end of her child care costs. However, as the council had already recognised this and apologised to her, we considered that appropriate action had been taken to resolve Miss C's complaint.

Recommendations

We recommended that the council:

- consider including a reminder within the final letter signposting a complainant to us about their right as a claimant to a statutory right of appeal if they think the council's decision on their benefit claim is wrong;
- share the outcome of this complaint with the relevant staff; and
- include a reference to time in the right to apply for a revision of the decision or appeal against it, in the information which will be made available in the council's revised notice.