

SPSO decision report



Case: 201901426, West Lothian Council
Sector: Local Government
Subject: applications / allocations / transfers / exchanges
Decision: upheld, recommendations

Summary

C complained on behalf of their constituent (A) about the council. A and their child had been homeless and living in temporary accommodation. They were offered permanent accommodation but turned this down, as they did not consider the property to be suitable. The council were satisfied that they had discharged their legal duty, as A had refused what was considered a reasonable offer of permanent accommodation. A requested a review of the offer of permanent accommodation. The council's appeal panel considered A's request and concluded that the offer of permanent accommodation was reasonable and stated that, as a result, they would not make a further offer of housing to A.

C complained that the council did not appropriately consider all the points raised by A in the request for review. Therefore, C did not consider the council to have handled the request for review reasonably. In addition to this, C complained about the council's communication with A in respect of housing matters.

In response to our enquiries, the council acknowledged they did not appropriately address all the points A made in their request for review in a satisfactory manner. Furthermore, the council identified that information requested from A by the appeals panel was either not relevant or was already accessible. Based on our review of the evidence, and taking into account the council's response, we concluded that the council failed to consider A's review request in a reasonable or appropriate manner. Therefore, we upheld this complaint.

In respect of communication, the council also acknowledged failings that were not identified as part of their investigation into A's complaint. We also identified further failings in respect of communication during the review process and when A's housing officer was off work for a significant period of time. In light of these failings, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A for failing to consider their request for a review of an offer of housing in an appropriate or reasonable manner and for the instances where there was a failure to provide a reasonable level of communication in respect of housing matters. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Ensure that the process failings identified are taken into account when considering any future applications for housing made by A.

What we said should change to put things right in future:

- Service users should receive a reasonable level of communication when contacting the council in respect of housing matters. Tenants should be informed if their housing officer is expected to be absent for a significant length of time. Communication with service users should be recorded appropriately.

- Requests for a review of a homeless decision or an offer of housing should be considered and decided in line with the relevant council guidance/policy.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.