

**Case 200501686: The City of Edinburgh Council**

**Summary of Investigation**

***Category***

Local government: Housing and Council Tax Benefit applications

***Overview***

The complainant raised a number of concerns over the handling of his stepson's application for Housing and Council Tax Benefit. Issues relating to the subsequent handling of the complaint by The City of Edinburgh Council were also raised as complaints.

***Specific complaints and conclusions***

The complaints which have been investigated are:

- (a) adequacy of the explanation by Council staff for the failure to respond to the complaint (*not upheld*);
- (b) adequacy of explanation by staff regarding failure to process Request for Review (*not upheld*);
- (c) the investigation of the complaint (*not upheld*); and
- (d) contradictory nature of information provided regarding Housing Benefit application (*not upheld*).

***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. The complainant shall be referred to as Mr C. Mr C's stepson, who made the applications for Housing and Council Tax Benefit, shall be referred to as Mr S. Mr C and his wife are the owners of a flat (which they do not reside at), which they let to Mr S. Mr S took up residence at the flat in October 2000 and in 2005, after a change in personal circumstances, approached The City of Edinburgh Council (the Council) to apply for both Housing Benefit and Council Tax Benefit. It is already established and acknowledged by the Council that the processing of the Council Tax Benefit was carried out ineffectively and has led to numerous issues, including the complaints raised with this office, for Mr C and Mr S. The Council have taken steps, however, to improve their systems for handling Council Tax Benefit applications.

2. On 23 September 2005, Mr C lodged his formal complaint against the Council with this office. The complaint had exhausted the complaints procedure of the Council and was, therefore, eligible to be investigated by this office.

3. In early 2005, Mr S submitted a claim for Housing and Council Tax Benefit. On 21 March 2005, the Council wrote to Mr S requesting further clarification of his application for Housing Benefit. The information that was required related to the fact that Mr S's landlords were close family relatives, namely his step father and mother. This request was in line with Council policies and the Council were entirely within their rights to request this information.

4. Although the request for information was addressed to Mr S (the tenant) it was Mr C (the joint landlord) who responded to this request, seeking further clarification on why the information was required. The Council's handling of Mr C's queries was not adequate and the Council have acknowledged and apologised for this. As the Council's failure to reply adequately is not a head of complaint, and the problem has been acknowledged and, in my view, resolved, I have nothing further to add to this. However, I feel it is important for balance to state my view that the situation was not helped by Mr S's failure to respond on his own behalf. The reason given for this failure was that Mr S was uncomfortable providing information regarding his step father and mother's (and landlords in this case) monetary

matters. I do not accept that this is an adequate reason for the failure of Mr S to respond. I believe that if Mr S had responded properly, the processing of his Benefit applications would have been less troublesome. Furthermore, had Mr S informed the Council that he was passing the request for information to his step father to deal with, the Council's responses may have been more effective. Moreover, Mr S has demonstrated that he is capable of communicating with the Council regarding his application. Also, Mr C has admitted that he contacted the Council, impersonating Mr S, in an attempt to get more information regarding the Benefit applications. When the entire scenario of communication is assessed, I consider that the actions of Mr S and Mr C contributed to the breakdown in communication.

5. The complaints from Mr C which I have investigated are:

- (a) adequacy of the explanation by Council staff for the failure to respond to the complaint;
- (b) adequacy of explanation by Council staff regarding failure to process Request for Review;
- (c) the investigation of the complaint; and
- (d) contradictory nature of information provided regarding housing Benefit application.

### **Investigation**

6. In the process of my investigation, I contacted the Council to obtain a detailed response to the specific points of complaint and supporting information. I have thoroughly reviewed all documentation provided by Mr C and the Council.

7. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Board were given an opportunity to comment on a draft of this report.

#### **(a) Adequacy of the explanation by Council staff for the failure to respond to the complaint**

8. Given the nature of the complaint is the 'adequacy' of the explanation given, my conclusion on this point of complaint is essentially to determine whether I agree or disagree that the explanation is adequate.

*(a) Conclusion*

9. I find that the explanation provided by the Council was adequate on the basis that the Council acknowledged that the service provided had not been good enough and apologised for this. The reason given for the service failure was a backlog in work experienced at the time. I see no reason why this explanation is not adequate, particularly given that the Council have acknowledged the failure, apologised and taken steps to improve the service. Therefore, I do not uphold the complaint.

**(b) Adequacy of explanation by Council staff regarding failure to process Request for Review**

10. Again, given Mr C's complaint is against the 'adequacy' of the explanation given, my conclusion on this point of complaint is essentially to determine whether I agree or disagree that the explanation is adequate.

11. The Request for Review of the Council Tax Benefit application was lodged by Mr S on 6 June 2005. Mr S then had correspondence with the Council, who incorrectly issued a summary warrant for Council Tax. This was a result of non-payment of Council Tax from Mr S, which in turn was affected by the ineffective handling of the application for Council Tax Benefit. It is important to note that the complaint is not against the ineffective handling of the application, but the explanation provided by the Council for the failure to process the Request for Review.

12. Mr C wrote to the Council on 15 August 2005 complaining about the lack of responses to his letters and also Mr S's letters. Records show Mr C's letter of 15 August 2005 received a full response from the Council in the letter dated 5 September 2005. The Council accepted that their handling of the Council Tax Benefit claim was a failure in service and apologised for this. They stated that the Council Tax Benefit application had been processed. As the Request for Review would have been a review of the Council Tax Benefit application, the fact that the Council Tax Benefit application had been processed effectively satisfied the Request for Review.

*(b) Conclusion*

13. I am satisfied that as the Council Tax Benefit application had been processed and this had been communicated to Mr C, the need to mention the outcome of, or the processing of, the Request for Review had been sufficiently met. I do not uphold this aspect of complaint.

**(c) The investigation of the complaint**

14. Mr C raised a number of complaints with the Council regarding the handling of his complaints and the matters previously outlined in this report. The final stage of the complaint was a full review by the Chief Executive. While raising his complaint with the Chief Executive, Mr C also raised his complaint with Senior Officer 1. Officer 2 produced a detailed reply dated 5 September 2005 (referred to in paragraph 12) to Mr C's complaint. The Chief Executive then followed up this reply on 14 September 2005. The Chief Executive had reviewed Officer 2's reply and stated that he 'hoped that this clarified the position'. Although the Chief Executive did not reply in full to each point of complaint, he did review the response sent out by Officer 2 and concluded that the response adequately clarified the position of the Council. I am satisfied that the complaint was adequately investigated by Officer 2 and subsequently reviewed properly by the Chief Executive. Both statements from Officer 2 and the Chief Executive gave sincere apologies for the service failure experienced by Mr C and Mr S.

*(c) Conclusion*

15. I am satisfied with the action taken by Council staff in the investigation and final response to the complaint. I do not uphold this aspect of complaint.

**(d) Contradictory nature of information provided regarding Housing Benefit application**

16. Mr C claimed that the Council provided contradictory information in relation to Mr S's application for Benefits. Mr S's Housing Benefit application has still not been finalised as the Council are still awaiting information requested of Mr S on 21 March 2005. The inaccuracy of information requested relates to the Council's responses regarding the application for Council Tax Benefit. The Council initially replied to Mr S's application stating that they required further information (the information the Council are still awaiting for the Housing Benefit claim) before the application could proceed. It was not until mid September 2005 that the Council then processed the application, without the information that they had previously

requested. It is this point that Mr C has complained about, as the Council provided inaccurate information at the beginning of the application stating that the Council Tax Benefit application could not be progressed without the requested information. This was inaccurate advice and was acknowledged in the letter of 5 September 2005 to Mr C and apologised for it. I am satisfied that this was an adequate response. Furthermore, the situation regarding the Council Tax Benefit claim has been clarified and all parties now have an understanding of what is required. I can, therefore, take no further action.

17. In addition, Mr C has claimed that he was advised during a telephone call to the Council (I believe this to be the call where Mr C attempted to impersonate Mr S) that as Mr S was living in accommodation owned by Mr C, Mr S would not be eligible for Housing Benefit. Mr C, therefore, claims that this constituted inaccurate information as the Council had requested further information to progress the application for Housing Benefit. Mr C felt that the request was, therefore, unnecessary as he believed Mr S was ineligible for Housing Benefit. However, that advice would most probably be correct were Mr S living in the same home as his mother and Mr C. The fact that Mr S was living in accommodation owned but not resided at by his mother and Mr C led the Council to request the information on 21 March 2005. This was explained to Mr C in Officer 2's reply to the complaint.

(d) *Conclusion*

18. Although inaccurate information was provided, the situation has been adequately rectified by the Council prior to this office's involvement. In the absence of any further shortcomings, I do not uphold this aspect of complaint.

31 October 2006

**Explanation of abbreviations used**

Mr C	The complainant
Mr S	Mr C's stepson
The Council	The City of Edinburgh Council
Senior Officer 1	The Head of Department which dealt with and investigated the complaint
Chief Executive	Chief Executive of the Council
Officer 2	The member of staff whom responded fully to the complaint